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TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING (SPECIAL MEETING) :

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TRANSCRIPT OF PROCEEDINGS
Monday, January 31, 2022
Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:00 p.m.

Meeting held virtually via Zoom

1 B E F O R E:

2

FRANK FUSARO, CHAIRMAN

3

CHRIS MASCIALE, VICE-CHAIRMAN

4

MICHAEL COHEN, MEMBER

5

ALLYSON HROBLAK, MEMBER

6

ELDY PAVON, MEMBER

7

MATT SONTZ, MEMBER

8

CAROL MOLNAR, MEMBER

9

CHARLES GELINAS, FIRST ALTERNATE

10

SAMUEL REISEN, SECOND ALTERNATE

11

12

LYNDSAY KNIGHT, ZONING OFFICIAL/PLANNER

13

14

A P P E A R A N C E S:

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None

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2 P R O C E E D I N G S
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4 (Whereupon, the Pledge of Allegiance
5 was recited.)

6 MR. MASCIALE: Good evening. This
7 is the 2022 reorganization meeting of the Board of
8 Adjustment for the Town of Westfield. Adequate
9 notice of this meeting was provided by posting on
10 the bulletin board in town hall, mailing of the
11 notices to the Westfield Leader, the Newark Star
12 Ledger, and filing with the town clerk with the
13 Town of Westfield. All in accordance with the
14 requirements of the Open Public Meeting Act.
15 Madame Secretary, may we have a roll call.

16 MS. KNIGHT: Michael Cohen.

17 MR. COHEN: Yes.

18 MS. KNIGHT: Charles Gelinas.

19 MR. GELINAS: Here.

20 MS. KNIGHT: Allyson Hroblak.

21 MS. HROBLAK: Here.

22 MS. KNIGHT: Carol Molnar.

23 MR. MOLNAR: Here.

24 MS. KNIGHT: Eldy Pavon.

25 MS. PAVON: Here.

1 MS. KNIGHT: Chris Masciale.

2 MR. MASCIALE: Here.

3 MS. KNIGHT: Sam Reisen.

4 MR. REISEN: Present.

5 MS. KNIGHT: Frank Fusaro.

6 CHAIRMAN FUSARO: Here.

7 MR. MASCIALE: At this time, we're
8 going to swear --

9 MR. SONTZ: I'm here too.

10 MS. KNIGHT: Oh, Matt Sontz.

11 MR. MASCIALE: At this time will be
12 the swearing of the reappointed and the newly
13 appointed board members. Katherine Razin will
14 swear in Eldy Pavon, Sam Reisen, and the new
15 appointment of Carol Molnar.

16 MS. RAZIN: I can actually do all
17 three of you at the same time. Ms. Molnar, do you
18 have your oath in front of you?

19 MS. MOLNAR: I can't find it. I
20 tried to check all my e-mails but I can't find it.

21 MS. RAZIN: No worries. What I will
22 do then is I'm going to read the oath in parts and
23 you can all repeat in sections, just fill in your
24 name. The first word is "aye," the second word is
25 going to be the blank where you fill in your name.

1 Just to give you the cue. Okay? So then it's
2 going to be "aye" then fill in your name. Then I
3 will continue and stop and pause and you can just
4 fill in your name. And you would want to raise
5 your right hand. And what I'd like to do because
6 I can't see you on video Ms. Molnar, just for the
7 sake of the public, is that before the next
8 meeting, I would like to just -- I would like to
9 see you actually swear in. I know we've had some
10 technical difficulties this evening, but you and I
11 will do a little exchange before the next meeting
12 to get you visually sworn in. But I will trust
13 that you're raising your right hand and repeating
14 as I will be able to hear you. I will trust that
15 you're raising your right hand and I will be able
16 to hear you repeating after me. Okay? Yes?

17 MR. MOLNAR: Okay.

18 MS. RAZIN: Ms. Pavon, Mr. Reisen,
19 Ms. Molnar if you could raise your right hand,
20 please. It's "aye" and fill in your name, please.

21 (Whereupon, ELDY PAVON,
22 SAMUEL REISEN, and CAROL MOLNAR having been duly
23 sworn were appointed into office.)

24 MS. RAZIN: Congratulations.

25 Welcome, and welcome back.

1 MR. MASCIALE: Congratulations. At
2 this time, we're going to have the nominating
3 committee bring forward their report for the
4 officers of -- the nominating committee consisted
5 of Matt Sontz and Eldy Pavon. Is there a report
6 that you have?

7 MR. SONTZ: Yeah. The report is the
8 nominating committee of the Westfield Board of
9 Adjustment would like to put forward the following
10 proposal for nominations. For board officers for
11 calendar year 2022: For board attorney,
12 Katie Razin, for Chairman of the Board;
13 Frank Fusaro, and for Vice-chairman of the Board;
14 Chris Masciale.

15 MR. MASCIALE: Thank you. At this
16 time, we'll take any nominations from the floor if
17 there're any other nominations. I see none.

18 Was there a motion to accept the
19 report of the nominating committee?

20 (Crosstalk.)

21 MR. MOLNAR: I make the motion.

22 MR. MASCIALE: Is there a second?

23 MR. REISEN: Second.

24 MR. MASCIALE: All in favor, aye.

25 BOARD MEMBERS: Aye. The

1 nominations committee report is accepted.

2 Congratulations, Mr. Chairman.

3 MR. FUSARO: Thank you very much. I
4 appreciate the nomination and look forward to
5 working on the board with the rest of you. Thank
6 you very much for your time and your service to
7 the Town of Westfield.

8 MR. MASCIALE: And thank you from
9 myself as well. At this point, we're going to
10 need to memorialize the resolution supporting
11 Katherine Razin as the board attorney for 2022 for
12 both ordinary and extraordinary services. There
13 was a document sent out. Everyone had a chance to
14 review them. Any questions? I see none. Is
15 there a motion to accept to memorialize the
16 resolutions?

17 MR. FUSARO: I make a motion to
18 accept both memorialized resolutions appointing
19 Katie Razin as the board attorney for 2022.

20 MR. MASCIALE: Is there a second?

21 (Crosstalk.)

22 MR. REISEN: Second.

23 MR. MASCIALE: All in favor, aye.

24 BOARD MEMBERS: Aye.

25 MR. MASCIALE: Approved.

1 MS. RAZIN: Thank you. I look
2 forward to working with all of you.

3 MR. MASCIALE: Swearing in, at this
4 point, the zoning officer, Lyndsay Knight.
5 Lyndsay?

6 MS. KNIGHT: Yes. I'm actually a
7 planner, so you can swear me in as the planner.

8 MR. MASCIALE: You are the planner?

9 MS. KNIGHT: Yes, the town planner.

10 MR. MASCIALE: Okay. As the
11 planner, as the town planner.

12 (Whereupon, LYND SAY KNIGHT, having
13 been duly sworn was appointed into office.)

14 MR. MASCIALE: At this point, we're
15 going to announce the schedule of meetings for
16 2022. The first meeting which was January 10
17 rescheduled as a special meeting tonight
18 January 31. The next February will be
19 February 14, followed by March 14, April 11,
20 May 9, June 13, July 11, August 8, September 12,
21 October 12, November 14, December 8, January 9,
22 and February 13.

23 That concludes the reorganization
24 meeting of the Board of Adjustment of 2022. Do I
25 have a motion to adjourn?

1 MR. FUSARO: I make a motion to
2 adjourn.

3 MR. MASCIALE: Do we have a second?

4 (Crosstalk.)

5 MR. REISEN: Second.

6 MR. MASCIALE: All in favor.

7 BOARD MEMBERS: Aye.

8 MR. MASCIALE: Adjourned.

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12 (The meeting was adjourned at

13 7:25 p.m.)

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TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING :
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TRANSCRIPT OF PROCEEDINGS
Monday, January 31, 2022
Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:40 p.m.

Meeting held virtually via Zoom

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B E F O R E:

FRANK FUSARO, CHAIRMAN
CHRIS MASCIALE, VICE-CHAIRMAN
MICHAEL COHEN, MEMBER
ALLYSON HROBLAK, MEMBER
ELDY PAVON, MEMBER
MATT SONTZ, MEMBER
CAROL MOLNAR, MEMBER
CHARLES GELINAS, FIRST ALTERNATE
SAMUEL REISEN, SECOND ALTERNATE

LYNDSAY KNIGHT, ZONING OFFICIAL/PLANNER

A P P E A R A N C E S:

STICKEL, KOEING, SULLIVAN & DRILL, LLC
BY: KATIE RAZIN, ESQ.
Attorney for the BOARD

SPECTOR FOERST & ASSOCIATES
BY: JAMES A. FOERST
Attorney for APPLICANT ELITE PERFORMANCE

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2 P R O C E E D I N G S
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4 (Whereupon, the Pledge of Allegiance
5 was recited.)

6 MR. FUSARO: Welcome everyone. This
7 is a regular meeting of the Town of Westfield
8 Board of Adjustment. I'll read an opening
9 statement. This a regular meeting of the Board of
10 Adjustment of the Town of Westfield at which
11 formal action may be taken. The public will have
12 the opportunity to be heard as the board considers
13 these applications. Adequate notice of the
14 meeting was provided by posting on the bulletin
15 board of the town hall, mailing of notices to the
16 Westfield Leader, the Newark Star Ledger, and
17 filing with the town clerk with the Town of
18 Westfield. All in accordance with the
19 requirements of the Open Public Meetings Act.
20 Katherine Razin, the board attorney, will give a
21 brief statement explaining the Board of
22 Adjustment's powers, purpose, and criteria for
23 granting variances.

24 MS. RAZIN: Good evening. The Board
25 of Adjustment is an independent body of the

1 municipality that has the authority to grant all
2 six D-type-Variances including use variances. The
3 board also can hear Bulk C-Variances, including
4 C-1 Hardship Variances, which are typically based
5 on the land conditions, and if there is a hardship
6 or unusual condition in the land or C-2-type Bulk
7 Variances, which are based on an advancement of
8 the purposes of the Municipal Land Use Law.
9 Typically, those variances are heard by the board
10 when there's not a site planner's subdivision
11 application that's adjoining those types of
12 variance applications. And that's it for this
13 evening.

14 MR. FUSARO: Thank you, Katie.
15 Madame Secretary, may I have a roll call.

16 MS. KNIGHT: Yes. Michael Cohen.

17 MR. COHEN: Here.

18 MS. KNIGHT: Charles Gelinas.

19 MR. GELINAS: Here.

20 MS. KNIGHT: Allyson Hroblak.

21 MS. HROBLAK: Here.

22 MS. KNIGHT: Carol Molnar.

23 MS. MOLNAR: Here.

24 MS. KNIGHT: Eldy Pavon.

25 MS. PAVON: Here.

1 MS. KNIGHT: Chris Masciale.

2 MR. MASCIALE: Here.

3 MS. KNIGHT: Frank Fusaro.

4 MR. FUSARO: Here.

5 MS. KNIGHT: Samuel Reisen.

6 MR. REISEN: Present.

7 MS. KNIGHT: Matt Sontz.

8 MR. SONTZ: Here.

9 MR. FUSARO: Thank you. Before we
10 get into our regular meeting, I just want to thank
11 Chris Masciale for his service as Chairman of the
12 Board of Adjustment for the past five years, as
13 well as his outstanding service to the board for
14 over 20 years. So, Chris, I want to formally
15 thank you for your hard work.

16 MR. MASCIALE: Thank you, Frank.
17 Thank you very much.

18 MR. FUSARO: Next item on the agenda
19 is the approval of our minutes from the last
20 meeting, which was the minutes of December 13,
21 2021. We also have a revision to some
22 typographical issues that we had with our meeting
23 minutes of October 13, 2021, meeting. Has
24 everyone had a chance to review those minutes?
25 I'll take that as a yes.

1 MR. MASCIALE: Yes.

2 CHAIRMAN FUSARO: Anyone have any
3 questions, comments, concerns or revisions?

4 BOARD MEMBERS: No.

5 CHAIRMAN FUSARO: Seeing none, may I
6 have a motion to approve the minutes of October 13
7 and December 13.

8 MS. MOLNAR: (Indiscernible.) I
9 can't get back into the meeting anymore.

10 MR. MASCIALE: We can hear you,
11 Carol. I don't know if you want to mute for a
12 minute.

13 CHAIRMAN FUSARO: We can hear you
14 fine.

15 MR. MASCIALE: Frank, I'd like to
16 make that motion.

17 CHAIRMAN FUSARO: Do we have a
18 second?

19 MS. PAVON: Second.

20 CHAIRMAN FUSARO: All in favor.

21 BOARD MEMBERS: Aye.

22 CHAIRMAN FUSARO: Opposed. Motion
23 is carried. For the record, the vote of any board
24 member on a full set of memorialized resolutions
25 shall not be construed to include his or her

1 participation in voting on any resolution related
2 to an application for which he or she did not vote
3 or did not vote in favor by the action taken by
4 the board. Let's do some additional housekeeping.
5 I believe we have a full agenda this evening.
6 We'll try and get through as much of it as
7 possible. Prior to or just after the break, we'll
8 see where we are and make an announcement of any
9 applications that need to be carried.

10 We do have a withdrawal of
11 Application Number 20-40, Daniel and Lisa Jemal at
12 16 Breeze Knoll Drive. That application has been
13 withdrawn. And we also have an application that
14 is being carried. It's Application Number 21-38
15 from PNC at 1 Lincoln Plaza. That application is
16 being carried to our March meeting, not the
17 February meeting, our March 14 meeting. It will
18 be carried without further notice. I don't
19 believe there are any other withdrawals or carried
20 applications or extensions of the time.

21 We'll get onto our first regular
22 meeting. Our first application of the evening is
23 a carryover. It's Elite Performance, LLC,
24 918 South Avenue West. Applicant is seeking
25 approval to construct an addition to the existing

1 business contrary to Section 11:28E1, 11.28E2,
2 12.04E3, 17.02C5, 17.05B and 17.10C of the Lane
3 Use Ordinance. Ordinance requires a minimum
4 front-yard setback of 40-feet. Proposed is
5 23.46-feet. Ordinance requires a minimum
6 side-yard setback of 10-feet. Proposed is
7 4.55-feet. Ordinance requires a maximum floor
8 area ratio of 50% with 5,000 square feet. The
9 original application was 60.83% and has now been
10 revised to 51.63%. Ordinance requires a minimum
11 number of parking spaces for medical office of 13
12 spaces. Proposed are 5 spaces. Ordinance
13 requires a minimum driveway width of 20-feet.
14 Proposed is 12-feet. Ordinance requires the
15 maximum illumination at the property line to be
16 .3-footcandle. Proposed is .5-footcandle.

17 This evening, I believe we have
18 Mr. Foerst representing the applicant. Welcome,
19 Mr. Foerst.

20 MR. FOERST: Thank you,
21 Mr. Chairman.

22 CHAIRMAN FUSARO: Thank you. If you
23 would let us know who you have with you, Lyndsay
24 will let them in.

25 MR. FOERST: I think we have

1 everybody. We have Elite Performance, which is my
2 architect is present in the property with the
3 applicant as well. And she'll be my only witness
4 this evening.

5 CHAIRMAN FUSARO: As you know, we've
6 heard -- this is the third hearing that we're
7 having on this application. I believe we had a
8 revised set of drawings as well as a summary sheet
9 of some of the proposed changes. Unless there's
10 anything else that I'm missing, please proceed
11 Mr. Foerst.

12 MR. FOERST: Thank you, Mr. Fusaro,
13 and I did hear in the pre-meeting the summary of
14 the members who were participating. So thank you
15 for that. That took care of my question. Just to
16 clarify, though, we do have seven; correct?

17 CHAIRMAN FUSARO: That's correct.
18 This is a D-Application, so as you know, we need
19 five affirmative votes for it to pass. We have
20 seven members. The new member of the board
21 Carol Molnar, has listened to the previous two
22 meetings and has submitted an affidavit to our
23 attorney expressing the same. So has
24 Charles Gelinas. He is a member who was missing
25 as at one of the meetings. He listed to the audio

1 as well and has submitted that same affidavit to
2 our attorney. The only person that I believe will
3 not be participating in this application, she had
4 missed one meeting, was Allyson Hroblak. Everyone
5 else is available to vote on the application.

6 MR. FOERST: Outstanding,
7 Mr. Chairman. Thank you so much. The only
8 witness I have this evening is Maria Decosimo.
9 Maria has previously been sworn. She's previously
10 been qualified as an expert. Maria, if you can
11 unmute yourself. Ms. Knight, if we can give her
12 the ability to share screen, unless Mr. Nasser has
13 a different screen he was going to share. I'm not
14 exactly sure how they're doing that. And by the
15 way, Mr. Gelinas, welcome. And Ms. Razin,
16 pleasure to meet you.

17 MS. RAZIN: Thank you. You as well.

18 MS. KNIGHT: You should be able to
19 share a screen as a panelist.

20 MS. DECOSIMO: I'm actually on the
21 screen.

22 CHAIRMAN FUSARO: We asked to share
23 the drawings.

24 MR. FOERST: Mr. Chair, while she's
25 getting organized, I'll refresh the board's

1 memory.

2 MS. DECOSIMO: No. I'm sorry, Jim.

3 I'm not familiar with that. Good evening,
4 everybody, and actually, for us, happy New Year to
5 all of you. If you just bring up the floor plans
6 one by one, it's will be fine.

7 BY MR. FOERST:

8 Q. Maria, if you recall, last time, the
9 last time we actually presented at the December
10 meeting where we requested a permission to carry,
11 there were lots of comments by the board. On both
12 of the prior occasions when testimony was
13 presented, not to belabor it, I want you to,
14 please, if you would, just to relate to the board
15 what has changed. They've seen the plans. I
16 think a huge concession was made taking that 60%
17 FAR down to 51.63. Can you show them on the
18 screen the additional changes and summarize them
19 as quickly as possible so as not to take too much
20 more time with the board.

21 A. Yes. On the first floor, which is
22 the actual facility of the rehab facility, the gym
23 has the ceiling -- we've lowered the FAR by making
24 make these changes. So we've lowered the ceiling
25 in the two-story gym area. I have reworked the

1 entire rear lobby and eliminated the separate ADA
2 compliant handicap ramp, and now, anybody will be
3 able to use the personal elevator. It will stop
4 on this level. By doing that, I was able to
5 reduce that whole lobby area.

6 Q. Maria, are you looking at the plans
7 on your screen?

8 A. Yes.

9 Q. Because we don't see them. What I
10 see is the list of pdf's that you can click on.

11 A. Sorry.

12 Q. There's probably a sub-screen.
13 There you go.

14 A. Can you see that now?

15 Q. No. We still have the same view
16 which is the list. In three months, we all forgot
17 how to do this.

18 A. Hold on. Let me see if I can stop
19 sharing and --

20 MR. MASCIALE: Frank, can we just
21 establish what's new from the last meeting?

22 MR. FOERST: That's what I'm trying
23 to do Mr. Masciale. I'm really trying to give you
24 a summary here.

25 CHAIRMAN FUSARO: We received a

1 summary back, I believe, on December 2, which
2 basically had bullet points one, two, three, four,
3 five, six, seven, eight, nine, ten bullet points,
4 which was a summary of the proposed changes. If
5 you could touch upon them, that would be great. I
6 assume everyone on the board has this particular
7 document. There we go.

8 BY MR. FOERST:

9 Q. Maria, you put together a summary
10 document. Just run through that document, those
11 ten points?

12 A. Well, our main reduction here is the
13 FAR. We've reduced it to 51.63%. And we did that
14 by lowering the ceiling in the therapy gym area by
15 reworking the back lobby and taking away separate
16 handicap entry into the therapy and using the
17 personal elevator as the lift for anyone that is
18 handicapped or any ADA requirement. And on the
19 residential level, we've revised the master, which
20 is over the gym. We've pulled it in on both sides
21 and reduced the floor area there. Everything else
22 is just minor tweaks here and there just to
23 massage the number to bring it in as low as
24 possible and still be able to function properly as
25 a home and residence. The side-yard offset, in

1 reducing the floor area, we've tried to cut the
2 building in as much as we can, knowing that we
3 really didn't address the requirement that the
4 25-foot linear building length is the maximum
5 length without -- like a straight length. So this
6 is a narrow lot, and the design really can't --
7 there's really not much to be able to pull on both
8 sides. So since the right side is bordering tall
9 landscaping, parking lot, and an office building,
10 we chose to comply on the left side and cut our
11 building in as much as we can to comply to that
12 ruling. The left side -- the right side, which
13 does not comply, ends up to be 3.88% -- I'm sorry.
14 Also, the rule about glazing, the percentage of
15 glazing to be 5%, on the right side, it ends up to
16 be 3.88%.

17 The elevator tower stays as it is,
18 but will also service both the business and the
19 residence. The overall design remained quite
20 similar to what it was. It's basically at the
21 aesthetic of the prairie style. And we're using
22 the windows as an element of style, and also as a
23 health bonus for clean air and air movement.
24 They're all operable, and with light and air, it
25 will make for a very nice space inside. The

1 materials are natural stone and stucco. We have
2 board-trimmed windows, windows with grills. We've
3 changed the windows to have grills. And the
4 building scale has been cut back to give more of a
5 residential scaling and feel. The windows are
6 grouped together. And once again, that relates
7 back to more of the fresh air movement of the
8 prairie style. And the roof is at 4-point -- 4 to
9 12 slope so that in the future, it can nicely
10 receive any solar energy panels that the client
11 might introduce. Insulation is R30. We've used a
12 6-inch wall inside of a 4-inch wall. And the
13 attic contains R49 insulation. So the building
14 will be extremely energy efficient. And as I
15 mentioned before about ADA, the entire rehab
16 facility will be ADA compliant.

17 Q. Maria, as we sat in the last few
18 meetings and listened to the comments of the
19 board, you took those comments, you met with the
20 Nassers, you reviewed that, and basically, we've
21 brought the scale of the building down by doing a
22 couple of things. Reducing that FAR by -- I
23 guess, what is that -- 8 1/2%. And then I think
24 -- I'm not sure what else is on that summary list
25 because my other computer just crashed. I know

1 there was an issue with regards to parking.

2 MR. FOERST: Chairman Fusaro, I
3 believe that we had addressed that previously.
4 There are eight on-site spots. And I think as we
5 did the walk down South Avenue, I think we were
6 able to show the board that there wasn't available
7 on-street parking on South Avenue. I think, Ms.
8 Knight, I addressed the EV location as well as the
9 garbage screening. We reduced the number of
10 treatment rooms, which I think was someone's
11 concern. We combined the elevator, removed the
12 half-bath in the basements.

13 MS. DECOSIMO: It has been removed.

14 MR. FOERST: And I believe that was
15 everything, Mr. Fusaro.

16 CHAIRMAN FUSARO: Yes. The
17 treatments rooms and office have been correctly
18 marked -- and I'm reading off of your summary --
19 have been marked to note that only two real
20 treatment rooms and one office are available in
21 addition to the gym. That having been said, I
22 assume that an office, the gym, and two treatment
23 rooms would have, approximately, four people in it
24 possibly at one time. I'm looking at my notes. I
25 had given you a list of 11 items at one of our

1 previous meetings. I believe I've narrowed that
2 down to five or six. I'll read through them real
3 quick. Perhaps Ms. Decosimo and or yourself can
4 address them, and then we will ask anyone in the
5 public if they have any questions for
6 Ms. Decosimo. My notes basically read that we
7 were still short on parking. I believe you had
8 just mentioned eight. The notice mentions five.
9 I will double-check the plan and see exactly what
10 we do and don't have. I believe in the basement,
11 you have a basement storage area which is still
12 relatively large at 825 square feet. The
13 continuous wall Ms. Decosimo spoke about, I
14 believe previously it was, approximately, plus or
15 minus 80-feet versus the required 25.
16 Ms. Decosimo, do you know what it currently is or
17 what you've changed it to?

18 MS. DECOSIMO: Yes, 26-feet,
19 2-inches.

20 CHAIRMAN FUSARO: On the one side.
21 And the other? The continuous wall length.

22 MS. KNIGHT: It's like 50-feet.

23 CHAIRMAN FUSARO: Fifty-feet. Okay.
24 And then we had -- my other notes basically
25 pertained to, one of them had to do with the

1 footcandles. Can either Ms. Decosimo or someone
2 give us a little history or explanation as to why
3 you would like it to be .5-foot-candle, which is
4 almost double the required .3. And then, the
5 other item I had was and I believe we discussed
6 this previously -- if we did not, my apologies --
7 the driveway is currently 12-feet wide, and I
8 believe we had a minor discussion with perhaps
9 your engineer or your planner with respect to the
10 width of that driveway being only 12-feet for a
11 business use. You know, there may be two-way
12 traffic in that driveway. And 12-foot wide
13 driveway is usually reserved for a single-family
14 residence, not a business. So perhaps someone can
15 give us a little history on that as well.

16 Those were the notes that I
17 currently have. I don't know if you'd like to
18 address them now or if you'd like me to ask if
19 anyone from the public would like to address any
20 other issues with Ms. Decosimo at this time.

21 MR. FOERST: Mr. Fusaro, I think I
22 can address them. I just looked at the plan.
23 It's definitely eight spaces. I think we had
24 previous testimony from Ms. Decosimo, as from
25 Dr. Nasser, that obviously with them living in the

1 property that that is going to be a less intensive
2 use. There're no employees coming and going.
3 They are not traveling from somewhere else and
4 then parking their car. In addition to that, you
5 have the residential component of the building, so
6 theoretically, the usage or the requirement for
7 the parking would be reduced. I'm fairly certain
8 that Ms. Decosimo testified on that. I distinctly
9 recall the engineer testifying on the footcandles.
10 And the issue was the placement where the pole
11 needed to be located, and that's why there was a
12 spillage. I can have Ms. Decosimo readdress that
13 if you needed to because we have all that pavement
14 in the rear and the requirement to have lighting.
15 That's why we have the spillage onto the other
16 lot. A continuous wall, we talked about. And
17 then I think that's all that I have. I do have
18 those 11 points here, Mr. Fusaro, and I do believe
19 we've addressed them all. If there are any
20 questions specifically that you have for the
21 expert, certainly.

22 CHAIRMAN FUSARO: Thank you. Does
23 anyone else from --

24 MR. FOERST: Oh, the driveway.
25 Wait. I'm sorry.

1 BY MR. FOERST:

2 Q. Maria, can you talk about the
3 driveway width in terms of why you believe 12-feet
4 is appropriate for this dual-use of a living kind
5 of workspace?

6 A. Yes. You know most of these issues;
7 parking and the driveway and storage, they're
8 really contingent on the idea that the Nassers
9 have a somewhat of a different type of a practice
10 where they really only service one person at a
11 time. So the type of commercial driveway where
12 you have an in and out really doesn't apply here
13 because there's not that kind of traffic flow.
14 Plus, we have a very narrow lot and existing
15 building that we're trying to work with. So in
16 order to increase that width or to get something
17 different than what we have is really not -- it's
18 not possible. There is also an alternative where
19 you can make the whole front a parking lot and
20 then extend in the back, but that is just not
21 visually -- we didn't feel that it was as visually
22 acceptable as if we kept what was there and tried
23 to work it the best we possibly can.

24 Q. So we're using the existing curb
25 cut; is that your testimony?

1 A. We're using the existing curb cut.
2 And the practice that is in this structure is a
3 one-to-one practice, so you don't have the car
4 flow in and out that is required with a wider
5 driveway.

6 CHAIRMAN FUSARO: Thank you.

7 MR. FOERST: In fact, Maria -- I'm
8 sorry, Chairman, just one last thing.

9 BY MR. FOERST:

10 Q. I note just to emphasize that point
11 in the waiting room you only have two chairs. Is
12 that because there really is -- based on the
13 operation of this business -- there really is this
14 one-on-one, there is not a huge -- it's not a
15 traditional doctor's office where all the
16 appointments are made at nine and they get to you
17 as they get to you, is that the reason that
18 there're only two chairs in the waiting room? It
19 seems odd.

20 A. There're two chairs in the waiting
21 room to have chairs in the waiting room. But
22 actually, I highly even doubt -- as a person comes
23 in, it's their turn and they are going to be seen
24 and then they exit and another person comes in.
25 This is an established business that's run this

1 way and I don't see it changing. Once again, the
2 facility was increased so that he could provide
3 better treatment and offer his patients different
4 types of treatments versus gain a whole bigger
5 clientele. That really wasn't the point. The
6 point was to service his clients better and to
7 have better living accommodations above.

8 Q. Thank you very much.

9 MS. KNIGHT: Mr. Chairman, just real
10 quick. I just wanted to remind the board as well
11 that the variance does run with the land. So
12 although the professionals are speaking about this
13 specific use, just to keep in mind that the
14 variance stays with the land.

15 MR. MASCIALE: Lyndsay, we can
16 provide a motion or a condition that there only be
17 two professionals offering services and the type
18 of services, so that if that ever changed, they'd
19 have to come back in front of the board; correct?

20 MS. KNIGHT: We could. Just to keep
21 in mind it would be difficult to track that in the
22 future.

23 CHAIRMAN FUSARO: Then I believe
24 Chris, they're saying right now there's only one
25 professional.

1 MR. MASCIALE: I heard two. I heard
2 the husband and wife both at the same time may be
3 offering services.

4 MS. DECOSIMO: There are two.

5 CHAIRMAN FUSARO: There are two.
6 All right.

7 MS. DECOSIMO: And also, the
8 placement of the pole, I'm sure that there could
9 be something done with some type of shield to help
10 the spill, even though that it is an empty parking
11 lot. You know, once the light goes on, the office
12 building, it's not occupied. I'm sure a shield of
13 some type can be provided.

14 MR. FOERST: And Chairman, if you
15 recall on that point too, Mr. Nasser had testified
16 of the schedule for the lights. And that while
17 this is a professional office, it is also his home
18 and he does intend to have those lights turned off
19 in the evening so that family can sleep soundly.
20 And certainly, Mr. Masciale, if a motion was made
21 requiring no more than two professionals to
22 operate in this building at any one time, we would
23 certainly be able to comply with that.
24 Ms. Knight, I'm not sure how to give you some
25 certainty on that. You did hear Mr. Nasser

1 testify that this is his forever home. So if
2 there is some other means or manner by which we
3 can hold him to his promises, we certainly are
4 open to anything that's reasonable.

5 MR. SONTZ: I have a few questions.
6 Can everyone hear me?

7 CHAIRMAN FUSARO: Yes, Matt. We can
8 hear you.

9 MR. SONTZ: What is the height now
10 of the gym if it's been cut down?

11 MS. DECOSIMO: I believe you
12 received this as an auxiliary supplement drawing.

13 MR. SONTZ: What page am I looking
14 at?

15 MS. KNIGHT: You have to use that.
16 I believe we told Mr. Foerst that that had to be
17 used as an exhibit because of the timing in which
18 that was submitted to our offices was not given in
19 enough time for us to submit to all the board
20 members.

21 MR. FOERST: Matt, to answer your
22 question, it was 16-6.

23 MR. SONTZ: What was it before?

24 MR. FOERST: Three-feet more than
25 that.

1 MS. DECOSIMO: Right. So the
2 document is available to post. We'll try to bring
3 it up.

4 CHAIRMAN FUSARO: The current plans
5 that we have still show a two-story height
6 gymnasium in the front of the building.

7 MR. FOERST: Yeah. There was a
8 supplemental submitted. I believe it's on the
9 town website. I apologize, I forget that we
10 needed to introduce that.

11 MS. DECOSIMO: We've dropped the
12 ceiling height down to 16.6-inches, which --
13 before it was a two-story space of --

14 MR. FOERST: There you go. Maria,
15 just tell us what we're looking at and then I'll
16 mark this and deliver it to your office tomorrow,
17 Ms. Knight. Or actually, you have it, so maybe if
18 you just make a notation of our marking and
19 introducing this as an exhibit.

20 MS. DECOSIMO: If you could just
21 this space here, this attic space, by creating
22 this attic space, we bring the ceiling height down
23 to a point where it is no longer considered a
24 two-story space by the zoning regulations and,
25 therefore, are able to eliminate this whole floor

1 area ration of doubling the floor area ration for
2 this one room.

3 MS. KNIGHT: How tall is that attic
4 because 7-feet would be -- just so the board knows
5 -- 7-feet is what would be used towards FAR. So
6 technically, four more inches, and it would be
7 double-counted for FAR. So just how big is that
8 attic space in height and how is it accessed?

9 MS. DECOSIMO: It's not, it's just
10 air. It's just -- how else would you, you know,
11 it's just a term to use for the space.

12 MR. FOERST: It won't be a drop
13 ceiling. It will be framed and sheetrocked,
14 correct, Maria?

15 MS. DECOSIMO: It's framed and it's
16 sheetrocked and there're ducts up there and that's
17 it.

18 MR. FOERST: Mechanicals and stuff
19 would be going through there.

20 MS. KNIGHT: So what is the height?

21 MS. DECOSIMO: Together, from the
22 floor to the --

23 MR. FOERST: No. We have 16.6 usable
24 area, Maria. And then what is the height of what
25 you have marked as "attic space"? What is that

1 specific height?

2 MS. DECOSIMO: You will have to move
3 this drawing over for me so I can see what the
4 double story is. If you could move it over this
5 way.

6 CHAIRMAN FUSARO: Also, Lyndsay,
7 while Maria is looking at that, is 16.6 considered
8 a single story? I would think, approximately, I
9 believe 8-feet is a requirement for a story. So
10 at 16.6, isn't that really two?

11 MS. KNIGHT: Yes.

12 CHAIRMAN FUSARO: That's what I
13 thought.

14 VOICE OFF CAMERA: Here's the letter
15 Right there.

16 MS. DECOSIMO: Here, by
17 Lyndsay Knight, it says: "That area would not be
18 included in FAR. Typically, the areas that are
19 counted are the open-to-below area, which are the
20 entire first and second floor. However, if this
21 portion is less than 7-feet, we would not include
22 it."

23 CHAIRMAN FUSARO: I believe she
24 meant -- and Lyndsay, I'll leave it to you to
25 formally answer that -- but I believe what you

1 meant was less than 7-feet in the 16.6.

2 MS. KNIGHT: Yes.

3 CHAIRMAN FUSARO: That's what I
4 thought.

5 MS. DECOSIMO: No. The question
6 actually was, "If the design of the higher
7 first-floor ceiling is lower than the second-floor
8 ceiling, in which the additional height would be
9 the height of the first-floor ceiling plus the
10 floor thickness and the additional height less
11 that 7-feet that open the area still count towards
12 the FAR calculation since as per code a habitable
13 space may not have a ceiling height less than
14 7-feet? Please advise. Thank you for your time."

15 MS. KNIGHT: For the record, that
16 space in the attic is 1-foot.

17 CHAIRMAN FUSARO: The statement that
18 Ms. Decosimo just read basically said that the
19 space needs to be less than 7-feet, which 6-foot-8
20 is. However, she also stated that that 7-feet
21 includes the thickness of the floor construction.
22 And I'm sure that that floor is more than 4-inches
23 thick where your dining room is shown right now.
24 So if you take the 6-foot-8 and you add anything
25 over 4-inches, that now becomes over 7-feet;

1 correct?

2 MS. KNIGHT: The drawing is drawn at
3 1-foot.

4 CHAIRMAN FUSARO: Lyndsay, do you
5 see the 6-foot-8 dimension right next to the
6 dining room?

7 MS. KNIGHT: Yes. And the thickness
8 of the floor is another foot.

9 CHAIRMAN FUSARO: That's 7-foot-8.

10 MS. KNIGHT: Yes. And then the
11 measurement of the 8-foot 11 1/2-inches is at the
12 top of the ceiling, I believe is what you're
13 saying.

14 CHAIRMAN FUSARO: Correct.

15 MS. KNIGHT: So they're missing that
16 1-foot in between the 6-foot-8 measurement and the
17 8-foot-11.

18 CHAIRMAN FUSARO: Correct. At
19 6-foot-8 since it now puts us over 7-feet per the
20 description that Ms. Decosimo just read, I assume
21 that it is now no longer under 7-feet, thus, the
22 FAR calculation is incorrect.

23 MS. KNIGHT: Yes.

24 CHAIRMAN FUSARO: That's what I
25 thought. Chris, do you concur?

1 MS. DECOSIMO: No, because -- I need
2 your help.

3 MR. FOERST: Wait, Maria, hold on.
4 Mr. Masciale was asked a question by Mr. Fusaro.

5 MR. MASCIALE: I'm still not sure,
6 Frank. I'm listening and I'm not sure yet.

7 MS. RAZIN: Can I just add,
8 Mr. Foerst, are you marking this? Did you mark
9 this so we all know what we're referring to?

10 MR. FOERST: Virtually, I don't know
11 how to do it. I know how that Lyndsay has a
12 hard-copy of it. I don't know if you want me to
13 mark it or --

14 MS. KNIGHT: Yeah. I can mark it as
15 -- Katie, how would you like for me to mark it?

16 MS. RAZIN: Are we on A-3? What are
17 we on?

18 MS. KNIGHT: I think so, yes.

19 (Crosstalk.)

20 MS. RAZIN: As I recall, we're on
21 A-3. I'm reading the minutes.

22 MR. FOERST: I had a photo pack, and
23 then --

24 MS. RAZIN: Give me a name. I mean
25 I can call it General Building Section Study, but

1 I just want a date so that we all know what we're
2 referring to here.

3 MR. FOERST: So let's mark it A-3,
4 General Building Section Study with today's date.

5 (Whereupon, Applicant's Exhibit A-3,
6 GENERAL BUILDING SECTION STUDY 12/1/2021, was
7 marked for identification.)

8 MS. KNIGHT: The one that I have the
9 hard copy of is dated December 1, 2021.

10 MS. RAZIN: Yeah, so give me that
11 one. December 1?

12 MR. FOERST: 12/1/21, I have the
13 same one. Thank you.

14 MS. RAZIN: 12/1/21. Thank you.

15 MS. KNIGHT: Okay.

16 CHAIRMAN FUSARO: Start again,
17 Ms. Decosimo.

18 MS. DECOSIMO: So the first-floor at
19 8-foot 11 1/2 and the second-floor height of
20 6-foot-8 plus the floor structure of 1-foot,
21 equals 16-feet-6-inches. We included that 1-foot
22 in that measurement.

23 MR. FOERST: I think it's safe to
24 say the following which is, you know, if there's
25 obviously a discrepancy in the reading of FAR,

1 you're going to default, obviously, to your
2 planner's view of that. Regardless of that, this
3 is our submission. And our submission, we've
4 tried, we've reduced, you know, we've done a
5 number of things to try to get this FAR number
6 down, and we would ask for deference on this
7 point. If you want us to reduce the ceiling a
8 little more to incorporate an additional foot, I
9 don't know that that can be done, but we certainly
10 would --

11 (Crosstalk.)

12 MR. MASCIALE: Let me ask an
13 FAR-related question.

14 MR. FOERST: They really want to
15 stay in this town and they really -- I get it, I
16 get it. You know maybe you can't -- but whatever
17 we need to do to allow you to feel that this is a
18 good application, it fits Westfield and isn't too
19 overreaching, we will do.

20 CHAIRMAN FUSARO: Chris?

21 MR. MASCIALE: Thank you, Frank. We
22 heard testimony that the elevator was going to be
23 for both family members and clients. We haven't
24 heard any rationale or hardship for the elevator
25 which is contributing to the FAR in the space that

1 it takes up. And looking at this drawing here,
2 could you just go over the ingress, egress. Are
3 the clients going to be taking the elevator into
4 the main floor or is the elevator to get the
5 clients upstairs into the family space -- which
6 doesn't make any sense to me. I don't think we've
7 really heard that or heard that the hardship is to
8 even have the elevator, which is contributing to
9 the FAR.

10 MR. SONTZ: I agree. That was one
11 of my next questions. It doesn't look -- it
12 looked to me, Chris, just on your point, they made
13 the ground level to the business, the first-floor,
14 the access from the outside. So it seems business
15 invitees would have no use for the elevator
16 because they're not going to the basement, it's
17 just storage, and the second and third floors are
18 residential.

19 MR. MASCIALE: But We just heard
20 from the architect that they would be. So I think
21 we need clarification and an explanation.

22 MR. COHEN: I thought the proffer at
23 the first meeting was that it was an ADA
24 compliance issue.

25 CHAIRMAN FUSARO: At the first

1 meeting, they had two lifts. Maybe one elevator,
2 which was basically serving -- the sole purpose of
3 the elevator was to service the residential unit
4 upstairs and the handicap lift was to service
5 clients. So they've eliminated one; the handicap
6 lift to service the clients. And I assume have
7 adjusted the travel distance of the main elevator
8 now to service all the floors. Is that correct?

9 MS. DECOSIMO: Yes, that's correct.

10 MR. SONTZ: But why does a customer
11 have to go to the second, third floor or basement?
12 Those aren't commercial spaces according to this
13 plan.

14 CHAIRMAN FUSARO: You're correct,
15 Matt. The only thing they would be able to do to
16 preclude that would be -- and it can be done with
17 programming through the elevator operators where
18 you would only be able to access the client level
19 except if you were to put in a keypad code or a
20 key similar to someone who lives in a penthouse of
21 a large apartment building. No one can enter --

22 MR. MASCIALE: Frank, that's all
23 true. But the thinking is what's the requirement,
24 what's the hardship for the elevator. Remove the
25 elevator and we may be under the FAR and be able

1 to eliminate it. We've heard no testimony in that
2 regard. I like your ideas about access and
3 security, but I think the fundamental question is
4 we're over FAR, we're being asked to improve it,
5 we've heard no testimony on the elevator, we've
6 heard conflicting testimony. Here's a chance for
7 the applicant, get rid of the elevator and you're
8 under FAR. Let's move this application along.

9 MR. FOERST: Maria, can I ask you a
10 question on that one please? Maria?

11 MS. DECOSIMO: Yes.

12 MR. FOERST: If the elevator was
13 removed from the plan, would the property still be
14 ADA compliant or would we fail on our ADA
15 compliance without that elevator to get to the
16 floor where the treatment is performed?

17 MS. DECOSIMO: That is correct. We
18 would have to put in a lift. Regardless whether
19 it's a lift or an elevator it's the same type of
20 square foot area.

21 MR. SONTZ: So I guess I'm
22 misunderstanding it. When someone in a wheelchair
23 or crutches or whatever the need may be, enters
24 the building from the outside, they're not on the
25 same level as the first-floor which is business

1 level? Like the elevator --

2 MS. DECOSIMO: They're not, no. Can
3 I use that -- here is the exterior platform to
4 both entrances. If you are capable of walking up
5 the stairs you can see that there are one, two,
6 three, four, five, six steps before you are on the
7 level, the therapy level. The therapy area is not
8 on the ground, it's just the ground level. And
9 therefore, the elevator goes up a half a story.

10 MR. SONTZ: I think that's all I was
11 asking.

12 MR. FOERST: The entrance is not on
13 ground level, Maria, correct? You need that
14 elevator to go up the few feet or whatever it is
15 to get into the treatment facility; correct?

16 MS. DECOSIMO: That is that correct.
17 And in the case of the Nassers, I believe that the
18 elevator would be greatly used because even though
19 the clients are most likely not wheelchair-bound,
20 they're injured in some cases. So going up the
21 stairs --

22 MR. FOERST: We're talking about a
23 compromised population of people who are going to
24 be coming onto this property. People with knee
25 injuries and back injuries. Right? Is that

1 correct?

2 MS. DECOSIMO: Yes.

3 MR. FOERST: If you had to do a
4 ramp, is it realistic to try to do a ramp on this
5 size property with this plan or is the elevator
6 the necessity rather than the ramp? I think
7 that's what Mr. Sontz is asking you; why is it
8 needed?

9 MS. DECOSIMO: I apologize. The
10 Nasser's also have wheelchair-bound parents. So
11 in order for them to visit, the elevator happens
12 to be a great convenience.

13 MS. KNIGHT: Did one of the original
14 designs have a ramp.

15 MS. DECOSIMO: Yes. In the design
16 that we presented before this one, we had two. We
17 had a lift and we had an elevator. And the
18 elevator did not stop on the office or therapy
19 level. It only was private and there wasn't even
20 an access to it. So it went directly up only.
21 And then we had a lift for the ADA compliancy.

22 CHAIRMAN FUSARO: Lyndsay, to answer
23 your question; there was never -- to the best of
24 my knowledge -- a submission which included a
25 ramp. Based on Ms. Decosimo's testimony, I'm

1 looking at the plan, A-3, the stairs, there are
2 six risers leading from the exterior grade to the
3 client area. Six risers at 8-inches per riser is
4 48-inches. In order to have a ramp at a 1-on-12,
5 which is ADA compliant, you would need 48-feet of
6 ramp; which I don't see how they could fit 48-feet
7 of ramp. In addition, every, I believe it's 12 or
8 15-feet, you need a flat landing. So that adds
9 another 5-feet. So this ramp would be somewhere
10 in the 60-foot long-range, and I don't believe
11 that is a possibility. Correct, Ms. Decosimo?

12 MS. DECOSIMO: That is correct, and
13 that's why we provided the lift.

14 CHAIRMAN FUSARO: And now the
15 elevator.

16 MR. FOERST: And that's why we have
17 the elevator now. Right, Maria?

18 MS. DECOSIMO: And that's why we
19 have the elevator now so that would be able to --

20 (Crosstalk.)

21 MR. MASCIALE: Thank you. That
22 answers my question.

23 MS. DECOSIMO: I used every little
24 bit I possibly could. I pulled in that whole
25 entry area. I just actually outlined the square

1 foot areas that were the larger numbers, but I
2 actually tweaked the whole thing and took it down
3 as tight as I possibly could. If you see
4 something that I missed, please, I'd be happy to
5 revise it. But the whole front of the building is
6 existing, and it's really just the rear part that
7 is new. And, of course, it also relates to
8 upstairs, which is, you know, there's really no
9 luxury space up there.

10 MR. FOERST: (Indiscernible) --
11 Mr. Fusaro, I think unless there're other specific
12 questions, I think our presentation is complete.

13 CHAIRMAN FUSARO: I'd like to try to
14 move this along. Does any board members have any
15 questions for Mr. Foerst or Ms. Decosimo, please
16 go ahead.

17 MR. SONTZ: I'm just still confused.
18 What happened on the floor area ratio? Is the
19 calculation correct or is it not?

20 CHAIRMAN FUSARO: In my opinion, it
21 is not. But I'm not the zoning officer, Lyndsay
22 is. And I don't think we've heard a definitive
23 answer from her. I don't know, Lyndsay, if that's
24 something you'd like to review or if you can give
25 us an answer on that.

1 MR. SONTZ: And that last exhibit,
2 the one that we just saw today that I hadn't seen
3 before today, what's the difference between what
4 was and what's new? Is it just that tiny attic
5 was added?

6 MR. FOERST: Yes.

7 CHAIRMAN FUSARO: Correct. It was
8 lowered --

9 MR. FOERST: In that space.

10 CHAIRMAN FUSARO: -- about 4-feet.
11 The ceiling in the gymnasium was lowered from,
12 approximately, 20-feet to, approximately, 16-feet,
13 and they created that dead space in the attic.

14 MR. SONTZ: So then Lyndsay, what's
15 your take? Is the architect's floor area ratio
16 calculation of 51.63% accurate?

17 MS. KNIGHT: I would say based on
18 our definition of floor area, I would say it's not
19 accurate. But I did hear Mr. Foerst say that they
20 would be willing to drop that attic space one more
21 foot, and I think that would make up for that foot
22 of floor that wasn't counted.

23 MR. FOERST: Maria, does that work?

24 MS. DECOSIMO: Yes, we'll drop it,
25 but the foot is counted it's 16 -- in the height,

1 in the total height of the room --

2 MR. FOERST: Maria, but we can still
3 functionally utilize that area if we drop that
4 ceiling one more foot; correct?

5 MS. DECOSIMO: It, it --

6 MR. SONTZ: The last point I'll
7 make, I see on the drawing I have, there's a
8 ceiling drop in the basement to accommodate a
9 trampoline. And the trampoline is flush with the
10 first-floor, so if you lower it again, you can
11 still use the trampoline?

12 MS. DECOSIMO: No, that is -- the
13 equipment that Mr. Nasser is introducing into the
14 therapy area is the reason for the height in the
15 ceiling. It's not just arbitrary. He's actually
16 eliminated one of his therapies in order to bring
17 it down below the two-story height. So if we keep
18 eliminating it -- you know, I'm sure he's going to
19 do whatever in order to comply but --

20 MR. SONTZ: I hear you, but this is
21 part of my question, it kind of got cut off
22 before. In this ceiling drop for the basement, it
23 looks like to accommodate the trampoline you're,
24 in effect, lowering the floor to get the
25 trampoline --

1 MS. DECOSIMO: No.

2 MR. SONTZ: No?

3 MS. DECOSIMO: No, there's no -- we
4 can't do that because then a client that is
5 injured or handicapped or ADA compliant, can't use
6 it. So the floor level has to be level. It has
7 to be all one level. We cannot --

8 MR. SONTZ: You're saying the
9 trampoline has to be level with the floor? Is
10 that what I'm understanding or am I
11 misunderstanding this drawing?

12 MS. DECOSIMO: Yes.

13 MR. SONTZ: Because I'm going
14 somewhere with the question. In what I have, it
15 says, "Trampoline walking unit 15-foot length by 7
16 -- this says 7-inch width -- flush with
17 first-floor." And then in the proposed basement
18 plan is says, "Ceiling drop 7-feet-6-inches."
19 Which I take to mean you're dropping the structure
20 of the first-floor to accommodate the trampoline.
21 So where I'm going with the question -- unless I'm
22 misunderstanding it is -- you're calculating the
23 ceiling height from the first-floor being at one
24 level, but for this area of the trampoline, isn't
25 the floor lower?

1 MS. DECOSIMO: No.

2 MR. SONTZ: Okay. So what am I
3 missing?

4 CHAIRMAN FUSARO: Ms. Decosimo, I
5 think this cross-section, you currently have, "New
6 front basement," it doesn't show a drop in the
7 front basement, which on our plan, A-3, says,
8 "Ceiling drop 7-foot-6." In addition, you
9 mentioned it not being ADA compliant. The
10 basement, I'm assuming, is not ADA compliant
11 anyway because you have six additional risers
12 coming from the current basement level to the new
13 basement level.

14 MS. DECOSIMO: The basement doesn't
15 have to be ADA compliant because no one is going
16 down there, it's storage. It does not have to be
17 ADA compliant. It's not part of the facility
18 therapy. The trampoline will be -- as the floor
19 material will stop and the trampoline material
20 will continue and the floor level will be
21 continuous. The floor level is continuous with
22 the level of the top of the trampoline. The drop
23 in the ceiling is because the trampoline --

24 CHAIRMAN FUSARO: Is recessed.

25 MR. SONTZ: Right. So is it

1 16-feet 6-inches this gym ceiling height where the
2 trampoline is or is it more than that because the
3 floor of the trampoline is lower?

4 MS. DECOSIMO: No. No. No, the
5 surface of the trampoline is level with the floor.

6 MR. SONTZ: Yes.

7 MS. DECOSIMO: So the top of the
8 trampoline and the floor are all at 16-foot-6 from
9 the underside of the ceiling.

10 MR. SONTZ: So when you count the
11 ceiling height where the trampoline is, you only
12 go from the top of the trampoline, you don't go to
13 the structural floor? For instance, if I was to
14 bring a trampoline into the 16-foot-6, forget the
15 drop, just put a trampoline that's, say, about
16 3-feet high, you wouldn't say that the ceiling
17 height is now 13-feet-6-inches because you count
18 from the top of my temporary 3-foot trampoline,
19 you'd still calculate it from the structural
20 floor. So I'm saying if you have a trampoline
21 that for 15-feet is in line with the floor, don't
22 you calculate the ceiling from the structural
23 floor which is lower?

24 CHAIRMAN FUSARO: Two-foot-six.

25 MR. SONTZ: Or am I incorrect?

1 Maybe I'm incorrect, that's why I'm asking the
2 question.

3 MS. DECOSIMO: That's fine. You
4 know the floor will be continuous and he'll use an
5 elevated trampoline above the floor. That's fine.

6 CHAIRMAN FUSARO: You're correct,
7 Matt. The area underneath the trampoline, right
8 where that gentleman is standing, that figure
9 where it says "gym" that's with the trampoline is.
10 The floor underneath would be 2-foot-six lower
11 than the main floor. Because the ceiling height
12 in the basement underneath that is currently
13 10-feet, however, it says that there's a ceiling
14 drop at 7-foot-6 which is a difference of
15 2-foot-6-six-inches. So you're correct.
16 Underneath where that stick figure is the floor in
17 that area where the trampoline is 2-foot-6 lower
18 than the gymnasium floor.

19 MR. SONTZ: Right. Okay. So if
20 they decided to leave the floor, the basement at
21 10-feet, and the structural floor even, to get the
22 floor area calculations where they say it is, they
23 still need to drop the gym ceiling height another
24 foot. Is that correct or incorrect?

25 CHAIRMAN FUSARO: That's correct, as

1 far as I can see.

2 MR. FOERST: And we are willing to
3 do that.

4 MS. RAZIN: So that will take you
5 back to the calculation that you provided earlier
6 this evening or it's going to take you to a
7 different calculation?

8 MR. FOERST: As Lyndsay has
9 suggested, the attic area that you see there, if
10 we were to bring that structural ceiling down in
11 the gym an additional foot, I believe Lyndsay said
12 that we would then not count that space twice for
13 FAR.

14 MS. KNIGHT: Yes, that's correct.
15 Because right now, it's technically -- that
16 measurement of the 7-foot-8-inches -- is
17 technically 7-foot-8-inches because they didn't
18 include that measurement between the floor.

19 MS. RAZIN: Right.

20 MS. KNIGHT: You can see the two
21 markings, there's just no measurement there. So
22 if they were to drop the attic you would actually
23 be that 6-foot-8 measurement.

24 CHAIRMAN FUSARO: The 6-foot-8 would
25 have to become the 5-foot-8 in order for --

1 MR. FOERST: Correct.

2 (Crosstalk.)

3 MS. KNIGHT: Yes.

4 MS. RAZIN: And then you're back --

5 MR. SONTZ: And the windows --

6 CHAIRMAN FUSARO: -- 51.63%. Windows
7 are aesthetic. I'm assuming that they would
8 adjust those accordingly.

9 MS. KNIGHT: Katie, yes. Then it
10 would be back to 51.63.

11 MS. RAZIN: It would be back to
12 51.63 if they dropped it 1-foot?

13 MS. KNIGHT: Yeah. So the area
14 wouldn't be counted twice.

15 MR. FOERST: And that gets us to
16 51.63% FAR.

17 CHAIRMAN FUSARO: Is there any other
18 board member that has any questions for
19 Ms. Decosimo at this time? I see none. I'd like
20 to open it to the public. Does anyone in the
21 public have any questions for Mr. Foerst or for
22 Ms. Decosimo? Please virtually raise your hand
23 and Ms. Knight will allow you to enter the
24 meeting.

25 MS. RAZIN: Can I just ask one other

1 question? I'm sorry. I apologize.

2 CHAIRMAN FUSARO: Absolutely.

3 MS. RAZIN: Are there any other
4 variance changes besides 51.63 just so I have a
5 clear understanding?

6 MR. FOERST: No. The parking
7 spaces, the illumination stays the same, the floor
8 area is changed, the side yard is the same, and
9 the front-yard setback is the same.

10 MS. RAZIN: Okay. So everything is
11 the same as it was originally requested minus the
12 floor area --

13 MR. FOERST: Correct.

14 MS. RAZIN: -- which is now back to
15 where it was assuming that you would drop the
16 attic by 1-foot?

17 MR. FOERST: That gets us to the
18 51.63% --

19 (Crosstalk.)

20 MS. RAZIN: 51.63, but everything
21 else remains the same? Okay. Thank you.

22 MS. KNIGHT: And there are no hands
23 raised by the public.

24 CHAIRMAN FUSARO: I see no hands
25 raised. We'll close the public portion of the

1 meeting as well as the board questions to any of
2 our professionals and we'll open it up to board
3 discussion.

4 As you see, we've been reviewing
5 this application for three meetings now and would
6 really like to move it along since we have a large
7 agenda and we can just move it along. But whether
8 we agree to the several conditions that have been
9 discussed or not. My personal take on it is I
10 would still like to see some additional parking
11 spaces. I know there are none that can be worked
12 into the plan as it is currently laid out,
13 however, and there is some parking according to
14 the testimony we've heard from the planner and/or
15 the engineer at our previous meeting. However, as
16 Chris had mentioned I had a major concern with
17 this project if approved the variance go with. If
18 Mr. Nasser decides to end his practice, move to a
19 different state, move to wherever or decides to
20 move to a larger facility and sell this property,
21 we can now have a medical professional, a dentist
22 or whoever come in and would require the 13
23 spaces, if not more. So I'm still a little
24 hesitant on that. I believe we had also touched
25 upon it at some of our previous meetings that --

1 several other items. Number one, please note that
2 there is a significant encroachment on the
3 front-yard setback. Forty-feet is required,
4 they're providing a little more than half of that
5 at 23.46-feet. In addition, we had also mentioned
6 previously that the aesthetics of this building
7 doesn't really fit in with the character of the
8 neighborhood. The residences and the businesses
9 that are to the right and to the left of this
10 particular building are more of a
11 residential-colonial-type look, and this building,
12 in my opinion, has more of a modern look to it.

13 I'm still a little concerned about
14 the 12-foot driveway. As I said, yes, it's a
15 residence, but it is also a business. And any
16 driveway in any single-family residence, the
17 minimum is 12-feet. Here, we're approving a
18 building that will have clients in it as well
19 residents in it. Other than that, those are my
20 thoughts.

21 MS. MOLNAR: I think they can hear
22 me.

23 MR. MOLNAR: We can hear you, Carol.
24 You can mute yourself.

25 MS. MOLNAR: I was muted the whole

1 time. I had some questions and I couldn't get on
2 to ask the questions.

3 CHAIRMAN FUSARO: In that case, has
4 any member of the board opposed to us reopening up
5 the meeting so that Carol can ask questions of the
6 professionals? Are we all in favor of that?

7 MR. SONTZ: That's fine.

8 CHAIRMAN FUSARO: Carol, go ahead.

9 MS. MOLNAR: No one mentioned the
10 setback. The average setback is 34.8-feet, and
11 the applicant is proposing if I'm understanding,
12 23.46; is that still true?

13 CHAIRMAN FUSARO: Correct.

14 MS. MOLNAR: All right. Could
15 Mr. Foerst one more time tell us what is the total
16 required parking and what is being provided?
17 Total for the whole building not just for pieces.
18 What is total required parking and what are they
19 providing?

20 MR. FOERST: I have my calculation.
21 I believe that 13 spaces are required, and we're
22 providing 8. But again, I always defer to
23 Ms. Knight because she's the one that knows this
24 thing.

25 MS. KNIGHT: Based on the most

1 recent submission, it's 14.

2 MR. FOERST: Fourteen.

3 MS. MOLNAR: Fourteen for the whole
4 building including -- residential requires three
5 spaces, are you including that in the 14?

6 MS. KNIGHT: Katie -- I went over
7 this with Katie as well, and after speaking with
8 Katie that the difference 14 and 13 was sufficient
9 for the noticing.

10 MR. MOLNAR: Right. But what is
11 totally required for the property? Three for the
12 living space, residential, according to our
13 ordinance. If you have three bedrooms, you
14 require three parking spots. It's 14-plus-3, so
15 parking is 17 spaces; correct?

16 MS. KNIGHT: No. It's 14.

17 MR. MOLNAR: Fourteen for the
18 medical and for the residential both?

19 MS. KNIGHT: Total. Yes.

20 MS. MOLNAR: So three for the
21 residential, only 11 for the medical?

22 MS. KNIGHT: I'll have to look back
23 over my calculations, but Don Sammet and I both
24 went over the whole entire project and determined
25 that it was only 14.

1 MR. MOLNAR: Grand total including
2 the residential piece. Okay.

3 MS. KNIGHT: Yes.

4 MR. MOLNAR: And the driveway, my
5 gut feeling, the driveway -- how wide is a fire
6 truck? A fire truck has to be able to get through
7 that lane. I don't even know if that's wide
8 enough for a fire truck. Does anybody know the
9 size of a fire truck width?

10 CHAIRMAN FUSARO: A lane is
11 technically 10-feet, a fire truck can fit through
12 the driveway, yes.

13 MR. MOLNAR: Okay. All right.
14 Good. That's all I had. Thank you very much.

15 CHAIRMAN FUSARO: Thank you. And if
16 no one else has any other questions for Mr. Foerst
17 or Ms. Decosimo, I'm going to close it and
18 continue with our board discussion. Any other
19 members of the board have any questions, comments,
20 concerns? I'd like to hear what your thoughts
21 are. Chris?

22 MR. MASCIALE: Sure, Frank. Couple
23 things. The building to the right, I'm looking at
24 A-1, and the subject property, and you can see the
25 nature of the neighborhood. Yeah. What's being

1 proposed is modern. The building on the right, I
2 believe we made them build that in a colonial
3 fashion to get the variances I think that they had
4 gotten at that time, and they kind of had that
5 look. This, what's being proposed here doesn't
6 really meet that, and is coming out forward. We
7 heard testimony there're properties on the corner
8 that come out that far, but that's the corner. So
9 I think it has a negative effect coming forward
10 with a modern look. And I think every board
11 member here, except for Carol, has heard me always
12 say when you have an FAR, you kind of look at it
13 and go, "Does it really fit the neighborhood?"
14 And this is a little bit much. Coming forward
15 with a modern look into the neighborhood where
16 you're granting an FAR at a higher criteria. And
17 this is a tough one.

18 There is beneficial use to the
19 property. There are a lot of doctor's offices in
20 town that are in residences that have been
21 continuous use, and that continuous use can pass
22 from one owner to the next. I'm pretty
23 comfortable if we limit it to two professionals.
24 That calculation based on the number of
25 professionals and the residents, I think the eight

1 spots will be okay. But, you know, that has to be
2 enforced. If you do it based on the square
3 footage, then the parking will never work. But
4 based on two professionals and the residents, the
5 eight spaces, I'm okay with. I wish we could have
6 gotten rid of the FAR, you know, and the higher
7 criteria. I'm just having a hard time with it. I
8 appreciate everything the applicant's done to
9 bring the space back down and I realize the
10 benefits to the community. Having the Nassers and
11 the service to the town as a positive criteria
12 that we're looking at this, but it is tough on the
13 FAR. I'm struggling with it. I'd kind of like to
14 hear how the rest of the board feels.

15 CHAIRMAN FUSARO: Sure any other
16 board members? We're interested in hearing your
17 questions, comments, concerns.

18 MR. GELINAS: I was going to say --
19 I just have one theoretical question which is so
20 if we have -- let me make sure my notes are
21 correct -- we're limiting this to two treatment
22 rooms, is that correct, and two professionals or
23 just two professionals?

24 CHAIRMAN FUSARO: We're -- I'm
25 sorry, Chris. Go ahead.

1 MR. MASCHIALE: I was going to say
2 there was two professionals is the testimony we've
3 heard. We've seen all the different treatment
4 rooms in the plan and all the different services
5 the Nassers are going to try to offer and that's
6 why there's so much space there. Which is very
7 confusing at first. But that is my understanding
8 is that they want to have these additional
9 services, additional treatment rooms, but limiting
10 it to two professionals, which is really him is
11 his wife. But I guess that could change.

12 MR. GELINAS: Right. That comes
13 back to my thought about subsequent ownership to
14 the practice. If they sell the practice or sell
15 the building or what have you. I know Mr. Foerst
16 had mentioned this as well, if it were
17 self-effectuating, right, if it's only for two
18 professionals if it's limited to that by virtue of
19 our restrictions, our provisions, maybe that whole
20 format would work. But there's a lot of space on
21 that first-floor; right? The other floors are
22 residential in orientation. How would one
23 theoretically enforce the two professional
24 restriction; if at all? And I know it was
25 mentioned -- I can't remember who already

1 mentioned this -- but it seems difficult to
2 enforce; is that right?

3 CHAIRMAN FUSARO: In my opinion, I
4 believe it would be. In addition, you have two
5 relatively large floors of residential space.
6 What's to say that in the future they divide the
7 two floors into two separate apartments, which
8 would have additional residents instead of just
9 one family. The way it's laid out, especially
10 with elevator access, you can certainly divide
11 those two floors into two separate apartments.
12 I'm not saying that their plan is to do that now.
13 But again, if someone purchases the property a
14 year from now, you know, that's certainly on the
15 table.

16 MR. COHEN: Or theoretically, add
17 treatment space upstairs.

18 CHAIRMAN FUSARO: Correct. You have
19 access. You have access to it.

20 MR. COHEN: You have the elevator
21 there, you can do it.

22 CHAIRMAN FUSARO: That's correct.
23 Anyone -- Carol, I know you said --

24 MR. MOLNAR: Yes. Yes. This is a
25 D-variance. In my mind, I don't believe the

1 applicant will suffer on due hardship if he's
2 compelled to use the property in conformity with
3 the permitted use. He's definitely overbuilding
4 it and he's creating his own hardship. So there's
5 no undue hardship. He has not proven undue
6 hardship. Also, our design standards say that
7 "Design of the building must be compatible with
8 location, the design and construction shall be
9 visibly compatible with the character of the
10 existing appearance on the property and the
11 character of the neighborhood." In my mind, it
12 doesn't fit the character and it doesn't fit the
13 land use ordinance in any way.

14 CHAIRMAN FUSARO: Thank you. Any
15 other board members?

16 MR. COHEN: I feel similarly to
17 Charles. I have a couple of other concerns
18 though. One is, I'm not convinced that the
19 building rendered fits in compatibly with the
20 neighborhood. I'm not one-hundred percent sure
21 that we have a sufficient legal confirmation that
22 the entirety of the property, as necessary, ADA
23 compliant. And I'm not sure that the parking is
24 satisfactory. The applicant, I appreciate what
25 they've done to modify their drawings, but I don't

1 -- I'm just not sold that the use is appropriate
2 for the structure. Even though it is a beneficial
3 use. I'm really torn on this one.

4 CHAIRMAN FUSARO: Thank you,
5 Michael. Unless anyone else has any other
6 questions, comments, I think we've kind of beaten
7 this to death, and I think it's time to move it
8 forward. Mr. Foerst, before we do that, is there
9 any summation, any final comments, questions you'd
10 like to ask us, or present any other information
11 before we take a vote?

12 MR. FOERST: No. I just want to
13 address Mr. Cohen's concerns with regards to the
14 possibility of use expansion later. I mean,
15 that's theoretically possible in any circumstance.
16 You know the building inspector leaves and I
17 guarantee you that there're plenty of attics that
18 are finished the weekend after the certificate.
19 In terms of a mechanism that can hopefully aid in
20 the enforcement, I think as a medical office, I
21 think that we're inspected each year by the health
22 inspector. I think we could require some type of
23 language in a deed that I can file that would
24 revert the property back to -- I don't know,
25 something. I think there're ways to overcome all

1 of it. But I don't hear it in the board that
2 that's even the greatest concern. I think it's
3 hard to say. And what we're going is we're saying
4 we really don't like the look of it. And I
5 understand that that's your prerogative because
6 we're asking for variances, but you know like
7 style is not something that is dictated by the
8 zoning ordinance, so I would ask that you discount
9 that. That maybe --

10 MR. MASCIALE: I would disagree,
11 Mr. Foerst, that it has to fit in the nature of
12 the neighborhood.

13 CHAIRMAN FUSARO: The character of
14 the neighborhood.

15 MR. MASCIALE: The character of the
16 neighborhood. I would disagree with your
17 statement.

18 MR. FOERST: Fair enough,
19 Mr. Masciale. But nevertheless, you have seen
20 them -- I mean these are the kind of people we
21 want to keep here in Westfield.

22 MR. MASCIALE: Absolutely.

23 MR. FOERST: We don't want another
24 town, you know. And it is a bit of an intense use
25 for the lot, but the fact that we're only a 51.63,

1 it's not even 2%. It's really not that traumatic
2 of an FAR. So I just hope that the board will
3 consider the fact that Mr. Nasser has done all
4 that's been asked of this board within reason to
5 still be able to utilize the building as he needs
6 it to function. I mean this is cutting-edge
7 physical therapy. Trampolines and climbing walls
8 and the modalities that he intends to do. You
9 know, I think we'd want to see Westfield as the
10 home of what I think is a new, emerging facet of
11 the physical therapy world.

12 But with that, I thank the board.
13 You have been very, very great. Very
14 collaborative. I know that the Nassers appreciate
15 that. And I know that we have taken a lot of your
16 time, so I won't take any more. Thank you, Mr.
17 Chairman.

18 CHAIRMAN FUSARO: Thank you,
19 Mr. Foerst. Why don't we move this along? I'm
20 hearing we would need five affirmative votes in
21 order to pass the D-variance. And if anyone would
22 like to make a motion one way or another, I would
23 appreciate it. If we are going to consider a
24 motion to approve this, then please list motions
25 in the notes that you have and that's what we'll

1 vote on. If you are strongly against it, then
2 feel to make a motion to not approve the
3 application.

4 MR. SONTZ: Okay. I'll make a
5 motion to deny the application.

6 CHAIRMAN FUSARO: Lyndsay, may I
7 have a roll call, please.

8 MR. MASCIALE: Do we have a second?

9 MR. REISEN: Second.

10 MS. KNIGHT: Was that Sam who
11 seconded it?

12 MR. REISEN: Yeah, I seconded it.
13 It was me.

14 MS. KNIGHT: Michael Cohen.

15 MR. COHEN: Yes.

16 MS. KNIGHT: Charges Gelinas.

17 MR. GELINAS: Yes.

18 MS. KNIGHT: Carol Molnar.

19 MR. MOLNAR: Yes.

20 MS. KNIGHT: Eldy Pavon.

21 MS. PAVON: Yes.

22 MS. KNIGHT: Chris Masciale.

23 MR. MASCIALE: Yes.

24 MS. KNIGHT: Sam Reisen.

25 MR. REISEN: Yes.

1 MS. KNIGHT: Matt Sontz.

2 MR. SONTZ: Yes.

3 MS. KNIGHT: Frank Fusaro.

4 CHAIRMAN FUSARO: We're voting "yes"
5 to deny the application; correct?

6 MS. RAZIN: Correct.

7 CHAIRMAN FUSARO: Yes.

8 MS. KNIGHT: And then Allyson cannot
9 vote.

10 CHAIRMAN FUSARO: Mr. Foerst, thank
11 you for your time. Mr. Nasser, thank you for your
12 time and consideration and Ms. Decosimo. I know
13 you guys put a lot of time and effort into this
14 and we appreciate everything you've done, and
15 perhaps if we can change the project and shrink it
16 down and make it a little more compatible, we
17 might be seeing you again.

18 MR. FOERST: Thank you so much.
19 Lyndsay, good luck with everything.

20 CHAIRMAN FUSARO: Thank you. Have a
21 good evening. Our application -- it's approaching
22 9:00. I'd like to get through at least one more
23 before we take break; if that's okay with the
24 board members.

25 Our next application is 544 Coddling

1 Road. Mr. Benjamin Leavitt, I believe it's
2 pronounced correctly. If I'm not, when he comes
3 back on, please correct my pronunciation of your
4 last name.

5 Applicant is seeking approval to
6 replace and enlarge existing patio area and add an
7 inground swimming pool contrary to the following
8 sections of the Westfield Land Use Ordinance:
9 Section 13.02D.3 which requires a minimum
10 side/rear setback of 15-feet. Originally proposed
11 was 6-feet from the rear property line, and the
12 current revision has a 9-foot setback from the
13 rear property line. Section 12.04F.1 which
14 requires a maximum coverage by building and
15 aboveground structures to be 20% and 1,320 square
16 feet. Proposed is 21.4% and 1,413 square feet.
17 Section 12.04G which requires a maximum coverage
18 by improvements permitted at 50% or 3,300 square
19 feet. Proposed is 55.4% and 3,656 square feet.

20 Mr. Leavitt, are you available?

21 There you go.

22 MR. LEAVITT: Yes.

23 MR. MOLNAR: Frank, I was not able
24 to listen to the tape, so I will recuse myself
25 from this hearing. I'll be listening in, but I

1 will not participate.

2 CHAIRMAN FUSARO: Thank you,
3 Ms. Molnar. Is any other board members -- this
4 is a continuing application as well. I believe
5 this is the third time Mr. Leavitt is before us as
6 well. Hopefully, we can get through this evening.
7 Also, are there any other board members who would
8 not be voting on this application?

9 MS. HROBLAK: I will not be voting.

10 CHAIRMAN FUSARO: So Allyson and
11 Ms. Molnar are out. This is a regular C-variance,
12 so it does not require five affirmative votes, so
13 I'm assuming we can just continue with it.

14 MS. RAZIN: And Mr. Leavitt has been
15 previously sworn?

16 CHAIRMAN FUSARO: I believe so.
17 Mr. Leavitt, you're still under oath.

18 MR. LEAVITT: Yes.

19 CHAIRMAN FUSARO: Please continue
20 with your application. Any changes that you have
21 made. I believe we have a new package before us.
22 Please continue.

23 MR. LEAVITT: Thank you guys for
24 seeing me again. I know I've been here a couple
25 of times before, and the first time I received bad

1 feedback that the project was too big, come back
2 with something smaller. I did come back with
3 that. And the last time I was there, we talked
4 again about what might be acceptable to the board,
5 and you gave me some additional feedback.
6 Mr. Chairman, actually you had some good ideas for
7 me to hit some of the current guidelines. So my
8 submission today is actually -- I want to make
9 sure you have the right one. I've removed the
10 request for a variance on lot coverage. My latest
11 plan is for 3,299 square feet. So we'll come in
12 just a nick under that 50% threshold. My plan
13 still does maintain the 9-foot setback. I do have
14 -- we'll of course have the fencing appropriate
15 that the town requires. And we'll also be adding
16 some landscaping to make sure our neighbor's
17 privacy is maintained and there's no impact to
18 them. So I think these were the changes we talked
19 about last time. I appreciate the boards'
20 feedback and hearing me again. Do you guys have
21 the plan? Should I pull that up?

22 MR. MASCIALE: Yeah. I'd like to
23 hear what the changes are that got you under 50%,
24 just to recap it. I know Frank and the board had
25 made some great suggestions last time.

1 MR. LEAVITT: Yup. Do you guys see
2 my screen?

3 CHAIRMAN FUSARO: Yes.

4 MR. LEAVITT: Essentially, there's
5 been two big changes. The first, as Mr. Chairman
6 suggested was we removed any pavers in the back.
7 I think at our last meeting, I was probably about
8 somewhere around 220 square feet over what was
9 permitted. So just taking this out was a
10 reduction of probably half that overage. And then
11 we took out this area of patio over here. It would
12 have been nice to have, but we understand that
13 it's a lot for the property. And so, those are
14 the two pieces we've eliminated. I think we also
15 took out 1-foot of pavers on this side right here
16 on the right.

17 CHAIRMAN FUSARO: Thank you. The
18 previous plan you had submitted -- I'll refresh
19 the board's memory -- along the back, there was an
20 area of approximately -- I believe we eliminated a
21 couple hundred square feet back there. What we
22 also had done the last time was the hot tub was
23 originally 5-feet away from the home, it is not
24 3-feet away from the home. So he's pulled that
25 back as well. The 18-foot dimension that you see

1 from the edge of the house to the edge of the
2 inground pool was 21-feet, that's been new puled
3 back to 18-feet, which is what allowed the
4 applicant to reduce the rear-yard setback from
5 6-feet to 9-feet. So that's where he gained that
6 3-feet. In addition -- and this is a question
7 since the drawing is not dimensioned -- you've
8 heard the applicant testify that the 15-foot
9 dimension from the inground pool to the right side
10 property line is 15-feet. However, we don't know
11 what the dimension of the pavers is and then the
12 grass area. Just from visually looking at this,
13 it appears that it's split down the middle. So
14 you would say 7 1/2-feet from the edge of the pool
15 is the edge of the pavement. I believe that
16 looking at the old drawing, it was reduced
17 approximately a foot or so.

18 MR. LEAVITT: Yeah. I think it's
19 actually down to 7-feet.

20 CHAIRMAN FUSARO: So the 15-foot is
21 broken up into 8-feet of grass area, 7-feet of
22 pavers before you hit the edge of the pool from
23 the right-side property line.

24 MR. MASCIALE: Frank, could we just
25 establish which one we're looking at and which

1 drawing we're considering. I just want to get it
2 on the record. And if there's a motion made that
3 we refer to the correct drawing.

4 CHAIRMAN FUSARO: Chris, the current
5 drawing that was included in our package. And
6 Mr. Leavitt, please correct me if I'm wrong, as
7 the latest, there's only one drawing, it's
8 prepared by Harbor Consultants signed and sealed
9 by Victor Vinegra, and it has a Revision Number 2
10 on it with a date of 12/17/2021. Is that correct?

11 MR. LEAVITT: Correct.

12 CHAIRMAN FUSARO: The previous one
13 Chris was Revision Number 1, dated 11/17/2021.

14 MR. MASCHIALE: Thank you.

15 CHAIRMAN FUSARO: Are there any
16 questions from the board -- the other dimension
17 that I had noted on my drawing here, and perhaps
18 our applicant can let us know what the distance is
19 from the edge of the pool to the pavers in front
20 of the pool before you hit the hot tub. And the
21 area around the hot tub, I'm assuming is all mulch
22 as is indicated on the drawing.

23 MR. LEAVITT: Yes. I believe it's
24 4-feet. It's either 4 or five. I'm sorry, I
25 don't have that number completely handy.

1 CHAIRMAN FUSARO: No problem. I'm
2 going to ask -- I know I've asked this three times
3 already, I'm going to ask you again. Could you
4 please elaborate to the board why you need a
5 separate hot tub instead of incorporating it
6 within the inground pool which would eliminate
7 several more of these variances?

8 MR. LEAVITT: Yeah. The biggest
9 difference is the year-round usability that a
10 separate unit provides. And, you know, I
11 appreciate -- I've stated to the board that I have
12 a lot of health issues. I'm continuing to work
13 with doctors at HSS, but I'm still -- I'm two
14 years into chronic pain and this is one of the
15 things that has helped me when I've used others
16 and I'm hoping I can make part of my normal
17 routine.

18 CHAIRMAN FUSARO: I also want to
19 confirm that the drawing in front of us currently
20 shows a 6-foot vinyl fence both on either side of
21 the house. There's a vinyl stockade fence running
22 alongside both side property lines, which we
23 assume is also 6-feet. And along the back, it
24 just says "landscape area." I'm assuming there's
25 a fence drawn there.

1 MR. LEAVITT: Yes.

2 CHAIRMAN FUSARO: What type of
3 landscaping are you complimenting?

4 MR. LEAVITT: You know, I assume
5 there'll be some mulch and probably some small
6 shrubbery, and we'd like to get small trees in as
7 well to help maintain the privacy level.

8 CHAIRMAN FUSARO: Thank you. The
9 residence behind you, directly behind you, we see
10 that there's a garage, approximately, 3.8-feet or
11 3.6-feet from your property line, would you happen
12 to be able to tell us how far back that residence
13 is from there?

14 MR. LEAVITT: I can't tell you
15 exactly. I would tell you their yard depth is
16 probably a little -- I think it's a little greater
17 than mine, so I'd say the house is a good 40-feet
18 from the fence line. And then just, you asked
19 about the fences, let me just confirm. The back
20 fence right now is the 6-foot solid right now that
21 complies. The fencing on the side is currently
22 6-feet, but it's got the scalloped top, so I know
23 we're going to have to replace those. And also
24 add the gates in front to make sure everything is
25 properly fenced in.

1 CHAIRMAN FUSARO: Thank you. Are
2 there any board members that have any questions
3 for the applicant? Yes? No? Maybe? No, we're
4 good. At this time, I'd like to ask anyone in the
5 audience if you have any questions for the
6 applicant if you would please virtually raise your
7 hand and Lyndsay will add you to our meeting.

8 MS. KNIGHT: I'm not seeing any
9 hands raised.

10 CHAIRMAN FUSARO: I see none. Thank
11 you, Lyndsay. We'll close that portion.
12 Mr. Leavitt, is there any closing statement you'd
13 like to make before I close it and open it up to
14 board discussion?

15 MR. LEAVITT: Just that I appreciate
16 the feedback you guys have given me and the chance
17 to come back with plans that would be more
18 acceptable. We do have a small yard so I think
19 I've done about everything I can to get this
20 project within reason. And I just appreciate your
21 consideration.

22 CHAIRMAN FUSARO: Thank you. At
23 this point, I will open the meeting up to board
24 discussion. As you know, as Mr. Leavitt
25 mentioned, this is his third time appearing before

1 the board. We've made numerous comments over
2 those meetings including the possibility of
3 combining the hot tub and the inground pool. You
4 heard from the applicant as to why he is opposed
5 to that. He has reduced the coverage several
6 times and brought it within the total coverage.
7 So he's eliminated one variance that he was
8 previously seeking. I mean, in my opinion, I
9 believe that the project is doable, however, it's
10 tight. I think you're putting a fair amount of
11 structure into a 55-foot-wide lot. If we were to
12 approve this application, I'm sure someone will
13 add a condition that both the fences on either
14 side yard comply with our 6-foot solid fence
15 ordinance. I don't know if we want to discuss the
16 possibility of adding any additional screening
17 along the back and the maintenance of that,
18 possibly some evergreens. That's why I asked how
19 far back the neighbor's house was. You heard the
20 applicant testify that is, approximately, 40-feet.

21 That having been said, you know,
22 again, I appreciate the applicant taking our
23 recommendations into consideration. I think he's
24 shrunk it down to the bare minimum. Could some
25 additional pavers possibly be removed? Yes. I

1 don't believe we could or he could pull the pool
2 any closer to comply with that rear-yard setback.
3 So how does everyone else feel?

4 MR. MASCIALE: I think the
5 applicant's taken our input and put it to the best
6 practice. I wasn't really sure we were going to
7 get everything in. It is a lot, like you said,
8 Frank. But I think we've done a good job, the
9 applicant, of trying to get it all in to meet his
10 needs, which as he's stated his medical
11 conditions. I'm looking kind of favorably on this
12 even though it is a lot. The fencing is going to
13 be in compliance. It has to be 6-feet. And the
14 testimony we heard about 40-feet back, it looks
15 correct to me from the tax map just taking a look
16 at it on the application. So I don't think it's
17 going to be an immediate effect on any neighbors.
18 So seeing all that and what the applicant has
19 done, I'm supporting the application.

20 CHAIRMAN FUSARO: Thank you, Chris.
21 Any other board members care to comment on the
22 application?

23 MS. HROBLAK: I have a question even
24 though I'm not voting. What would be --

25 MS. RAZIN: I'm sorry. Who is that

1 speaking?

2 CHAIRMAN FUSARO: It's Allyson.

3 Allyson Hroblak.

4 MS. RAZIN: Okay. Good.

5 MS. HROBLAK: I was wondering why
6 the hot tub couldn't be adjacent to but
7 disconnected to the pool? Why does it have to be
8 in that location? And maybe I missed this in the
9 past, but that would certainly cut down some of
10 the coverage.

11 CHAIRMAN FUSARO: That's a good
12 question. If you like, I can open it back up to
13 the applicant and we can ask that question.

14 MS. HROBLAK: It's really just for
15 the board's consideration. I'm not voting on
16 this. My brother had an interesting pool where
17 his hot tub was adjacent to and raised above so
18 that actually water flowed into the pool, but
19 could be turned off and heated separately when he
20 closed his pool. So I'm wondering if that's a way
21 to save some space as well.

22 MR. COHEN: We did propose this idea
23 at the last maybe two times ago, I don't recall,
24 and the applicant declined to take us up on that
25 suggestion.

1 CHAIRMAN FUSARO: We actually did
2 twice, yes.

3 MR. SONTZ: I thought he testified
4 he wanted it closer to the house to use it
5 year-round so it would be kind of right outside
6 the door.

7 MR. MASCHIALE: That's correct.

8 MS. HROBLAK: Well, the year-round
9 usage doesn't -- I mean, it's just a matter of how
10 cold you get between walking.

11 MR. SONTZ: But that was the reason.
12 Yeah.

13 MS. HROBLAK: What was that?

14 MR. SONTZ: That was one of his
15 reasons.

16 MS. HROBLAK: That's what he
17 provided, right. Yeah.

18 CHAIRMAN FUSARO: I believe also
19 when you're constructing a pool separate from the
20 hot tub, basically, and again, perhaps this is a
21 question we ask the applicant as well, the pool is
22 obviously an inground pool. The hot hob could be
23 an above-surface hot tub. In other words, it's
24 just sitting on a regular slab or regular patio
25 pavers or whatever versus I believe the

1 application that you're talking about Allyson
2 would require that the hot tub be constructed with
3 the pool foundation so on and so forth, and
4 perhaps I would think that might be a cost issue.
5 But if you like, I can certainly open it back up
6 and ask the applicant that question.

7 MS. HROBLAK: Unless a voting member
8 has some outstanding issue with this then you
9 don't have to reopen for me.

10 CHAIRMAN FUSARO: Chris, what do you
11 think?

12 MR. MASCIALE: I'm good on the
13 testimony that the applicant made and the
14 reasonings for it. I mean, it's a lot in the
15 space. But with the testimony we've heard, I'm
16 good with it.

17 CHAIRMAN FUSARO: Great. Thank you.
18 Any other board members?

19 MR. SONTZ: Yeah. I appreciate
20 Allyson's point. But I agree with Chris, I think
21 it's okay.

22 CHAIRMAN FUSARO: Thank you. Any
23 other board members have any other comments before
24 we ask for a motion? I see none. Anyone willing
25 to make a motion?

1 MR. MASCIALE: Yeah. I'd like to
2 make a motion, Frank, to accept the application
3 with the revised drawing of 12/17/21 Revision 2.
4 As noted, the fencing will meet the 6-foot town
5 ordinance. And we've heard testimony that they're
6 going to include landscaping, I'm going to leave
7 it out of the motion and allow the applicant to do
8 what he feels. I think if we put something in
9 here, it's too close to the pool to be
10 restrictive. I'm good with his testimony that
11 he's going to do it.

12 CHAIRMAN FUSARO: Thank you. Do I
13 have a second?

14 MR. SONTZ: Second.

15 CHAIRMAN FUSARO: Lyndsay, would you
16 please call the roll.

17 MS. KNIGHT: Michael Cohen.

18 MR. COHEN: Yes.

19 MS. KNIGHT: Charles Gelinas.

20 CHAIRMAN FUSARO: Charles?

21 MS. KNIGHT: I'll just move on.

22 Eldy Pavon.

23 MS. PAVON: Yes. Just for the
24 record, CJ just said his daughter's throwing up so
25 he had to put out of the meeting real quick.

1 MS. KNIGHT: Frank Fusaro.

2 CHAIRMAN FUSARO: Yes.

3 MS. KNIGHT: Sam Reisen.

4 MR. REISEN: Yes.

5 MS. KNIGHT: Chris Masciale.

6 MR. MASCIALE: Yes.

7 MS. KNIGHT: And Matt Sontz.

8 MR. SONTZ: Yes.

9 CHAIRMAN FUSARO: Your application
10 is approved. Good luck.

11 MR. LEAVITT: Thank you, everyone.

12 CHAIRMAN FUSARO: At this time, it's
13 9:18. I'd like to take a 10-minute recess. We'll
14 reconvene at 9:28, at which point we'll address
15 the remaining applications. As I mentioned, we
16 have a full agenda this evening. I apologize for
17 not getting it moved along or that is has.
18 However, both the applications that we have gone
19 through were the third go-around. So hopefully,
20 we'll be able to move quicker. We'll see everyone
21 at 9:28. Please turn your mics off.

22 MS. HROBLAK: Frank?

23 CHAIRMAN FUSARO: Yes.

24 MS. HROBLAK: Do you think we'll
25 make it through all the applications by 11? I

1 think we have five left on the docket.

2 CHAIRMAN FUSARO: I don't believe
3 we'll make it through all five. I'd certainly
4 like to get through three or four. I'll discuss
5 it with Chris during the break, and as soon as we
6 return, we'll let you know what's going on. Thank
7 you. Turn your mics off. We'll see you in 10
8 minutes.

9 (Break taken.)

10 CHAIRMAN FUSARO: I apologize. I
11 need to go back and take care of a little
12 housekeeping business which I missed in the
13 beginning of our meeting and that is the
14 memorialization of resolutions from our
15 December 13, 2021, meeting. I assume the board
16 members have had a chance to review those
17 resolutions.

18 MR. MASCIALE: We did.

19 CHAIRMAN FUSARO: Are there any
20 corrections, comments, or concerns?

21 MR. MASCIALE: No.

22 CHAIRMAN FUSARO: Then I would move
23 to approve the resolutions from our meeting of
24 December 13, 2021. All in favor.

25 BOARD MEMBERS: Aye.

1 CHAIRMAN FUSARO: Any opposed. I
2 see none. The resolutions are memorialized.
3 Thank you so much. I apologize for doing that out
4 of order.

5 Moving forward, our next applicant
6 is Lisa Seliger and Jeremy Keenan, 155 Tudor Oval.
7 Applicant is seeking approval to construct a
8 one-story addition and build a one-car garage
9 contrary to the Land Use Ordinance Section
10 11.06.E.10 where building coverage permitted is
11 20% and proposed is 21.06%. And Section
12 11.06.E.14 where garage requirement permitted is a
13 two-car garage and proposed one-car garage.

14 And I apologize once again because I
15 didn't bring up the agenda. So let me just put
16 this on hold for one second. I don't know if
17 Francis Scott Ferraro and Angela Wilkos from
18 712 Oak Avenue are in attendance. If they are,
19 you are number five on the remaining agenda items.
20 We'll give the option of waiting to see where we
21 go. We can address it again in a half-an-hour or
22 if you'd like to be carried to the February 14
23 meeting, we'll give you that option as well. So
24 if you could please just let us know what you
25 decide.

1 MR. FERRARO: Hi, this is
2 Francis Scott Ferraro. We have Forefront Designs
3 and EKA with us also, and I don't know if they'll
4 be available all the way through. So I think it
5 might be best if we push it.

6 CHAIRMAN FUSARO: Carry it.

7 MR. FERRARO: Yes.

8 CHAIRMAN FUSARO: Fine. Okay.

9 Thank you so much. Again, I apologize. We had a
10 long agenda this evening and two returning
11 applications. So at this time, we're going to
12 carry 712 Oak Avenue to our meeting of February 14
13 without further notice. Thank you for your
14 understanding, Mr. Ferraro. We'll see you on the
15 14th.

16 MR. FERRARO: Okay. Thank you.

17 CHAIRMAN FUSARO: Have a good
18 evening. Thank you.

19 MR. FERRARO: You too.

20 CHAIRMAN FUSARO: Mr. Keenan and
21 Ms. Seliger. Am I pronouncing that correctly?

22 MR. KEENAN: Seliger.

23 MS. SELIGER: Close.

24 CHAIRMAN FUSARO: Good evening.

25 Thank you for waiting. It's been a long evening

1 and I appreciate your time in bearing with us.
2 Tell us about your application.

3 MS. RAZIN: I'm sorry. We have to
4 swear them and any of their witness.

5 CHAIRMAN FUSARO: Sorry. I
6 apologize. We've been continuing all who have
7 been sworn in. This is a new applicant.

8 LISA SELIGER AND JEREMY KEENAN,
9 having been duly sworn, was examined and testified
10 as follows:

11 CHAIRMAN FUSARO: You have with you
12 -- who do you have with you this evening?

13 MR. KEENAN: Hildie Lazar our
14 architect.

15 CHAIRMAN FUSARO: Lyndsay will let
16 her in.

17 MS. LAZAR: I'm in. I can see you.
18 Can you see my screen?

19 MS. RAZIN: Hildie, can you just
20 spell your last name for me? Do you mind? I'm
21 sorry.

22 MS. LAZAR: Sure. L-a-z-a-r.

23 MS. SELIGER: We also have two
24 neighbors that are signed on, I believe.

25 MS. KNIGHT: I think we'll promote

1 them when it's time.

2 CHAIRMAN FUSARO: Ms. Lazar, I know
3 you've appeared before the board on numerous
4 occasions in prior years. Since it's a new year,
5 give us two seconds of your background and we'll
6 swear you in.

7 MS. LAZAR: Sure, of course. I'm a
8 licensed architect in New Jersey. I have my own
9 firm for 14 years. I graduated from Pratt
10 Institute in 1991. I'm a member of the American
11 Institute of Architects. I'm a member of the
12 National Council of Architectural Registration
13 Boards. And you know, as you've said, I've
14 appeared before the board many times.

15 CHAIRMAN FUSARO: Thank you so much,
16 Ms. Lazar. Unless any board member has any
17 objection, we'll approve Ms. Lazar as to her
18 testimony as a licensed architect in the State of
19 New Jersey. Please proceed. I'm sorry,
20 Ms. Lazar, I'm going to swear you in.

21 HILDIE LAZAR, having been duly
22 sworn, was examined and testified as follows:

23 CHAIRMAN FUSARO: Please tell us
24 about your application.

25 MR. KEENAN: Thank you so much to

1 the members of the board and for all the work that
2 you do. We have been living in our house since
3 2015. We're a family of five. We have three
4 small children and we've come to love the
5 neighborhood and our proximity cause to the
6 school. And we love our location within the town.
7 We love the town. Our current layout is dated and
8 cramped. We have a hard time with our kitchen and
9 our entry area. There's no good ease of getting
10 in and out of the house without getting mud all
11 over the floors. And so, we've worked with
12 Hildie, and I think we've come up with a
13 thoughtful plan for our house to give us
14 improvements and a little bit more extra living
15 space. So I think really just hand it over to
16 Hildie and let her walk you through that; if
17 that's okay.

18 MS. LAZAR: Thank you. I have some
19 pictures of what the house looks like right now.
20 This is the front of the house. We're not
21 proposing to do any work to the front, so the
22 front will remain the same. The house -- I will
23 get into zoning in a minute -- the house does not
24 have a garage and --

25 CHAIRMAN FUSARO: Excuse me. I'm

1 sorry to interrupt. Do we have these photographs?

2 MS. LAZAR: Yes. I did submit the
3 photographs. I might have added a few for this
4 hearing, but I did submit photographs as part of
5 the application.

6 CHAIRMAN FUSARO: Yes, I believe we
7 have them. When you come to any that you've
8 added, please let us know, and we'll have our
9 attorney mark them as an exhibit. Thank you.

10 MS. LAZAR: Okay. And I can send
11 pdf's to Lyndsay tonight as well. The front of
12 the house is not changing. One of the issues is
13 the back of the house. Here, you can see, there's
14 a lot going on. It's very choppy. They have this
15 large, screened-in porch which we are planning to
16 removed. There's also a shed here which we're
17 planning to remove. You can see the second story
18 hangs over the first. These two windows here are
19 the kitchen, so the kitchen windows look out on
20 the shed. Here's another picture of the back of
21 the house. Another little picture of sort of the
22 choppiness of the backyard. We're really trying
23 to clean that up. This is a picture of the back
24 of the driveway looking into the rear corner of
25 the house where we're proposing to add a mudroom.

1 Again, more views of the back. This shows that
2 there's a tremendous amount of excess impervious
3 coverage which we are eliminating. Then my next
4 sheet -- so I did just put this together today,
5 and I can send Lyndsay a pdf of this, but I do
6 believe I did already send some 3D views.

7 This is what we're proposing. I
8 took all of these photographs on
9 September 24, 2020. So again, this is currently
10 the back of the house. This is what we're
11 proposing. We're proposing a small family room
12 addition. Over here, by where the driveway is
13 now, we're proposing a small mudroom addition.
14 And then looking at it from this angle, you can
15 see how we'd be eliminating a lot of impervious
16 coverage. Tucking a mudroom here. Just cleaning
17 up the overall look of the back of the house. So
18 that the complete 3D model ends up looking look
19 this. And then we are proposing a one-car garage.
20 Currently, the property does not have a garage.
21 So looking at the 3D model, just trying to make it
22 a little bit more functional for them and a little
23 bit more aesthetically pleasing. Looking ahead at
24 zoning --

25 MS. RAZIN: I'm sorry. Ms. Lazar,

1 do you want to mark -- is that something that you
2 did put together?

3 MS. LAZAR: I've never presented the
4 3D model before, but I do believe that I sent
5 Lyndsay all of these views.

6 MS. RAZIN: The pictures. It's up
7 to you if you want to mark it.

8 MS. LAZAR: I can send another pdf
9 to Lyndsay tonight or tomorrow.

10 CHAIRMAN FUSARO: Yes. We have the
11 photographs, however, we do not have any of the
12 renderings or the models.

13 MS. RAZIN: Why don't we mark this
14 as like a 3D model set altogether and that way
15 we'll just be clear. We'll mark it as one
16 complete set. Is that okay with you Ms. Lazar?

17 MS. LAZAR: Fine with me.

18 MS. RAZIN: We're going to mark it
19 3D model set; is that okay?

20 MS. LAZAR: Perfect.

21 MS. RAZIN: And is there a date on
22 it or do you want to give me today's date.

23 MS. LAZAR: Today's date. And I can
24 send pdf's of this entire screen and various shots
25 of my 3D view over to Lyndsay tomorrow.

1 MS. RAZIN: I'm going to mark that
2 A-1.

3 (Whereupon, Applicant's Exhibit A-1,
4 3D MODEL SET, was marked for identification.)

5 MS. LAZAR: Zoning, they're in the
6 RS-12 Zone. They have a 9,800 square feet lot.
7 So that's an existing nonconformity. They're
8 there under by 2,200 square feet. The lot is
9 supposed to be 75-feet wide, it's only 70-feet
10 wide. So nonconformity with lot width and lot
11 frontage. Then on the side-yard setbacks,
12 12 1/2-feet is required, they're nonconforming on
13 both sides. The proposed additions do conform.
14 Then I do want to point out that the floor area
15 ratio is still under by 136 square feet, so I'm
16 not trying to max out on everything that's
17 allowable, I just want to make this usable and
18 functional for my clients. Building coverage is
19 an issue because of the undersized lot. And since
20 there's no garage, even though a two-car garage is
21 required in this zone, I'm proposing a one-car
22 garage to make an improvement, but it's one of
23 these catch-22s that by proposing a one-car
24 garage, we're now over in building coverage by 103
25 square feet. So again, given the fact that the

1 lot size is 2,200 beneath what it should be, I
2 didn't think that that was too excessive. We're
3 trying to find that sweet spot where they can get
4 everything that they want but we're not asking for
5 too much. Also, the impervious coverage is still
6 under by 1,051 square feet. Continuous walling is
7 currently not conforming on the right side. This
8 proposal actually eliminates that nonconformity.
9 And then as I just mentioned, we have a
10 nonconforming garage requirement, where we're
11 required to have two cars, we have zero. I'm
12 proposing one to sort of meet it halfway. But
13 then, of course, that creates more of an issue
14 with building coverage. Looking at the plans, as
15 my clients were just saying, this is the existing
16 first-floor plan. You do have this in your
17 documents.

18 CHAIRMAN FUSARO: We have the plan,
19 but I don't believe there are any photographs on
20 ours, Ms. Lazar.

21 MS. LAZAR: You're right. I'm
22 sorry. I added those today. So we can make this
23 --

24 MS. RAZIN: A-2.

25 MS. LAZAR: A-2.

1 MS. RAZIN: It's existing
2 first-floor plan with photos.

3 MS. LAZAR: Yes.

4 (Whereupon, Applicant's Exhibit A-2,
5 EXISTING FIRST-FLOOR PLAN WITH PHOTOS, was marked
6 for identification.)

7 MS. LAZAR: And I'll send the whole
8 presentation to Lyndsay tonight. So the proposal
9 is to eliminate this 2,088 square feet. We want
10 to eliminate the sunroom and eliminate that back
11 shed. I threw some pictures on here of what the
12 sunroom looks like. They have three little kids
13 so the sunroom is sort of a playroom. And here's
14 another picture of that sun room overlooking that
15 shed. And then the kitchen is quite tight, it's
16 only 11-foot-7 from front to back. It's only
17 10-foot-9 from side to side. This is a picture of
18 the kitchen. As can see, they're busting out.
19 Then they've got the front rooms which are
20 actually nice. They've got a big family room
21 here. They've got a living room. The problem is
22 that this family room is so remote from everything
23 else, so they can't have any type of a great room
24 situation with this floor plan and they don't have
25 a very good entertaining space. Back here, it's

1 very choppy. You come into a side mudroom. It's
2 very congested. You've got this side door, the
3 door to the basement, the door to the tiniest
4 powder room in the world, another door to a
5 closet, then you go into the tight kitchen. This
6 is a very nonfunctional nook where currently they
7 have this tiny table that's right up against the
8 wall. Then they've got their dining room. But
9 then they have the sunroom and the shed which just
10 completely blocks the view to the backyard and the
11 ability to have easy access to the backyard. So
12 the proposed plan is to now add -- so this is the
13 chunk that I'd like to remove. So now I'm just
14 going to hide that in the view for a minute. And
15 I just want to add a little bit of an extension
16 here for a family room, so that's 123 square.
17 Which brings this room to just 15-foot-5 front to
18 back, and 16-foot-10 side to side. So it's not a
19 large room at all. And then we would utilize some
20 of the existing kitchen nook dining room space and
21 turn that into a nice large eat-in kitchen. And
22 this is a breakfast nook. And now we've got a
23 nice floor plan with good circulation, no wasted
24 space, the rooms are all connected. And then I'm
25 also proposing to add a 130 square foot mudroom

1 addition on the left side. It conforms to the
2 left side-yard setback.

3 By the way, this family room
4 addition here, by eliminating the sunroom, I'm
5 eliminating the 25-foot continuous wall length.
6 This sunroom is also over the side-yard setback
7 line. The proposed family room is on the
8 side-yard setback line, so we've eliminated that
9 nonconformity. I've also eliminated the 25-foot
10 continuous wall length by pulling it in by
11 2-foot-5 1/2. Same with the mudroom, I'm pulling
12 it in by 3-foot-7 1/2. So we have a nice jog
13 there. It's well over the side-yard setback line.

14 And then the proposed garage in the
15 back. So we're proposing the one-car garage
16 because we would like to make an attempt to at
17 least meet the ordinance halfway. Also, once we
18 eliminate the shed back here, it would be nice to
19 have some additional storage area. They can fit a
20 car in there. But it would be nice to have some
21 additional storage area since the shed is coming
22 down. I've eliminated a lot of the impervious
23 coverage. So this whole back driveway would be
24 coming out and be replaced with grass. And if you
25 do accept this proposal, then the house will end

1 up looking like this. Here are the elevations.
2 The front does not change. Rear ends up looking
3 like this with our small family room. Big French
4 doors. Lots of light and openness to the
5 backyard. This would be the little breakfast nook
6 overlooking the backyard. This is the entrance to
7 the mudroom right off the driveway and the new
8 garage. And then, the right side of the house,
9 this is the side of that family room. We're
10 proposing to have a direct-vent fireplace back in
11 there. Then this would be the left side where
12 we've got the existing house here, the mudroom
13 addition, some windows for that breakfast bay, and
14 then a side door into that family room.

15 And that is my testimony. I'm happy
16 to answer any questions, talk through it a little
17 bit more. I'm trying to be concise because I know
18 it's a tight evening tonight.

19 CHAIRMAN FUSARO: Thank you so much.
20 I appreciate you running through the plans for us.
21 I just noticed that on your V1 I guess your
22 printer printed the site plan upsidedown. I'm
23 just trying to go back and forth.

24 MS. LAZAR: Oh, yes. Yes. We can
25 look at that site plan. You know what it is, I

1 try to orient the house so that the front door is
2 front, but, yeah, the site plan was flipped.
3 Sorry about that.

4 CHAIRMAN FUSARO: Not a problem.

5 MS. MOLNAR: I have a question about
6 V5. V5, it says, "Front elevation. Garage
7 plate." What exactly is that?

8 MS. LAZAR: V5, my front elevation.

9 MR. MOLNAR: It says, the words say,
10 "Garage Plate" next to the front door on the left.
11 What's that?

12 MS. LAZAR: Sorry about that. I
13 should have taken that off. Basically, that's
14 just the plate height, a structural thing, for the
15 proposed garage.

16 MR. MOLNAR: It's the front of the
17 house. It says, "Garage Plate."

18 MS. LAZAR: Yeah, i know. Right
19 here. Garage plate. That's is just a level.

20 MR. MOLNAR: It says on the left
21 side elevation, it says, "Garage Flap." What is
22 that?

23 MS. LAZAR: I should have removed
24 that. That's actually the slab-on-grade for my
25 proposed garage which is further towards the back

1 of the property and the property has a slight
2 slope. So if you guys do approve the garage, that
3 would be where the slab would be in the back for a
4 detached garage.

5 CHAIRMAN FUSARO: I have a quick
6 question.

7 MR. MOLNAR: I have to ask a
8 procedural question first. This is for Ms. Razin.
9 Should the application be amended to include a
10 variance for the family room which eliminated the
11 garage when it was put in?

12 MS. RAZIN: I'm not understanding
13 exactly what the question is though.

14 MS. KNIGHT: There was no garage.

15 MR. MOLNAR: There's a family room.
16 At one time, there was a garage there and a family
17 room was put in there but no variance was ever
18 applied for. So the family room eliminated the
19 garage which is required by ordinance.

20 MR. MASCIALE: That's more recent --

21 MS. KNIGHT: It could have predated
22 the ordinance. So we can't --

23 MS. MOLNAR: I don't think it's
24 grandfathered. I don't think it's grandfathered.

25 MS. KNIGHT: We can only look at the

1 application based on the way the ordinance is
2 written today.

3 CHAIRMAN FUSARO: We don't know if
4 and when it was removed. It could have been
5 removed 50 years ago.

6 MR. MOLNAR: The garage ordinance is
7 fairly new.

8 CHAIRMAN FUSARO: Correct.

9 MS. MOLNAR: The garage ordinance is
10 fairly new, I disagree with that. I've been here
11 forever and we've always required garages.

12 MS. KNIGHT: I can tell you when it
13 was amended.

14 MS. MOLNAR: Yes, thank you.

15 CHAIRMAN FUSARO: Ms. Lazar, while
16 Lyndsay is looking that up, I have a quick
17 question for you. You had mentioned in your rear
18 elevation and I believe it's also mentioned in
19 your floor plans that you have a set of French
20 doors leading off of the proposed family room. Is
21 that correct because if you walked out those
22 doors, wouldn't you fall down a couple of feet?

23 MS. LAZAR: I have basically
24 stationary French doors windows. They'll be
25 stationary.

1 CHAIRMAN FUSARO: Like I said, I was
2 looking to see if there's a deck out there or
3 you're going to fall down 4-feet.

4 MS. LAZAR: No. No. Good point.
5 These will all be the stationary French doors.
6 Basically, stationary windows that are door-sized
7 and then the door that leads to the side stoop
8 would be here on the side.

9 CHAIRMAN FUSARO: No problem. Thank
10 you. I just wanted to clarify that.

11 MS. KNIGHT: That ordinance was
12 amended September 29, 2009.

13 CHAIRMAN FUSARO: 2009. Okay.

14 MR. MOLNAR: 2009, to require a
15 two-car garage?

16 MS. KNIGHT: Yes. That's when the
17 ordinance was amended.

18 MR. MOLNAR: Okay. So prior to
19 that, you didn't have to have a garage. Okay.
20 Thank you.

21 MS. KNIGHT: I can't speak on behalf
22 of how it was written previously.

23 CHAIRMAN FUSARO: Perhaps we can ask
24 -- I'm sorry. Go ahead, Carol.

25 MR. MOLNAR: I believe Westfield has

1 always required garages.

2 (Crosstalk.)

3 CHAIRMAN FUSARO: Well, as of 2009

4 --

5 MS. MOLNAR: Even before the 2009
6 ordinance.

7 CHAIRMAN FUSARO: In 2009, it was
8 amended. So we don't know what the ordinance was
9 before that, so we're going to have to go with
10 what's before us right now. I would just ask the
11 applicants; when did you purchase the home?

12 MR. KEENAN: 2015.

13 CHAIRMAN FUSARO: 2015. And there
14 was no garage when you purchased it?

15 MR. KEENAN: Correct.

16 CHAIRMAN FUSARO: Okay. Thank you.
17 Ms. Lazar, I've reviewed your plans and I think
18 you did a great job of kind of tying it all
19 together knowing that the existing layout is very
20 choppy and does have a lot of wasted space and I
21 think you did a pretty good of putting it all
22 together and making it more useful. I would ask
23 any board member at this time if you have any
24 questions for Ms. Lazar and/or the applicants to
25 please go ahead and ask the questions. Anyone? I

1 see none. I guess everyone agrees with me that
2 you did a great job, Ms. Lazar.

3 MS. LAZAR: Thank you.

4 CHAIRMAN FUSARO: You're welcome. I
5 would also just like to point out as you did as
6 well that the overage on the building coverage is
7 just 103 square feet. You are meeting us what you
8 just mentioned halfway on the garage. Certainly,
9 since we don't know when the other one was removed
10 and you're offering to install one, we appreciate
11 that and you bringing it into conformance as well
12 as the illumination of that 25-foot continuous
13 wall that being eliminated as well. That having
14 been said, I don't have any other questions for
15 you. If none of the other board members do not
16 have any other questions, then what I would do is
17 just ask if you have any final questions, comments
18 for us and then we will move to board discussion
19 thereafter.

20 MS. RAZIN: Do you want to just open
21 it to the public, Mr. Chair?

22 CHAIRMAN FUSARO: I apologize for
23 that. Are there any members of the public who
24 would like to ask any questions of the applicant
25 and of the architect at this time? Please raise

1 your hand virtually and Lyndsay will allow you to
2 speak.

3 MS. KNIGHT: So the only hand that's
4 raised right now is Gregory Ralph, and it's been
5 raised the whole time, so. Wait, here we go
6 Craig Doner.

7 CHAIRMAN FUSARO: Mr. Doner, can you
8 hear us?

9 MR. DONER: Yes, I can hear you.
10 Can you hear me?

11 CHAIRMAN FUSARO: Yes. Please state
12 your name and address for the record.

13 MR. DONER: It's Craig Doner. I'm
14 at 9 Tudor Oval.

15 CRAIG DONER, having been duly sworn,
16 was examined and testified as follows:

17 CHAIRMAN FUSARO: Welcome and please
18 go ahead.

19 MR. DONER: I just want to let
20 everyone know that we had a chance to review the
21 plans and elevations with Lisa and Jeremy. We
22 love the designs and think it will extremely
23 fitting. For the house, the neighborhood, we
24 don't feel it has any impact on the aesthetics of
25 the home or the street, nor is it oversized for

1 the lot. And we don't think it will have any
2 impact on the neighbors here. We think the design
3 is a big improvement for the home and family and
4 enhancing the character of the oval.

5 CHAIRMAN FUSARO: Great. Thank you
6 so much for your comment. We appreciate it. You
7 have a good evening.

8 MR. DONER: Thank you.

9 CHAIRMAN FUSARO: Anyone else that
10 would like to address the application from the
11 public.

12 MS. KNIGHT: Yeah.
13 Pawel Kierzkowski.

14 CHAIRMAN FUSARO: Is he in? We can
15 hear you. Mr. Kierzkowski, please state your name
16 and address for the record.

17 MR. KIERZKOWSKI: I live at 171
18 Tudor Oval.

19 CHAIRMAN FUSARO: Thank you.

20 PAWEL KIERZKOWSKI, having been duly
21 sworn, was examined and testified as follows:

22 CHAIRMAN FUSARO: Please proceed.

23 MR. KIERZKOWSKI: We're at least two
24 or three houses away from Lisa and Jeremy. And
25 I've reviewed it as well. Especially the front,

1 there's no change at all. So reviewed all the
2 stuff and it looks like they're actually promoting
3 more grass, so I think that's always a nice thing.
4 And it looks like they're going to have a lot more
5 usage. So it looks like it's going to be very
6 fitting in the neighborhood.

7 CHAIRMAN FUSARO: Great. Thank you
8 for your comments. We appreciate you calling in
9 and supporting the application. Anyone else from
10 the public who would like to address the
11 application?

12 MS. KNIGHT: It looks like no more
13 hands are raised.

14 CHAIRMAN FUSARO: Seeing none, I'm
15 going to close the public portion and open it up
16 to board discussion. As I mentioned briefly
17 before, I think Ms. Lazar did a complementary job
18 on putting the floor plan together, adding the
19 garage. I would also like to point out to the
20 board that this is an undersized lot, a severely
21 undersized lot, approximately over 20%, I believe.
22 So we should review this under C-1 Hardship
23 Variance. It also borders two streets, it has two
24 front yards both on Tudor and Landsdowne. So
25 taking that into consideration, I believe that the

1 application certainly warrants our approval or my
2 approval. How does the rest of the board feel?

3 MR. MASCIALE: It's a great job. I
4 think it's going to be a huge improvement for the
5 house. And I think it's a great compromise on the
6 hardships and the improvements they're doing.
7 Instead of coming back and forth three times, I
8 think Hildie nailed it on the first one.

9 MS. LAZAR: Thank you.

10 MR. COHEN: I think it's a very
11 well-designed project. It's a much-needed
12 improvement.

13 CHAIRMAN FUSARO: Thanks, Chris.
14 And Michael, yes, I agree. Looking at the
15 photographs and the plan, Ms. Lazar, showed us
16 some of the photographs of how dated and small
17 some of the areas are. I'm sure it will be a big
18 improvement for their family.

19 Anyone else on the board have any
20 questions, comments, concerns? Seeing none, can I
21 have a motion?

22 MS. MOLNAR: Hey, guys. Go ahead.
23 You don't have to wait for me.

24 MR. COHEN: I'll move to approve the
25 application as submitted.

1 CHAIRMAN FUSARO: Do I have a
2 second?

3 MR. SONTZ: Second.

4 CHAIRMAN FUSARO: Thank you.
5 Lyndsay, call the roll, please.

6 MS. KNIGHT: Charles Gelinas. Oh,
7 he's switched off. Allyson Hroblak.

8 MS. HROBLAK: Yes.

9 MS. KNIGHT: Carol Molnar.

10 MR. MOLNAR: Yes.

11 MS. KNIGHT: Eldy Pavon.

12 MS. PAVON: Yes.

13 MS. KNIGHT: Chris Masciale.

14 MR. MASCIALE: Yes.

15 MS. KNIGHT: Sam Reisen.

16 MR. REISEN: Yes.

17 MS. KNIGHT: Matt Sontz.

18 MR. SONTZ: Yes.

19 MS. KNIGHT: Michael Cohen.

20 MR. COHEN: Yes.

21 MS. KNIGHT: And Frank Fusaro.

22 CHAIRMAN FUSARO: Yes. Your
23 application is approved. Thank you so much.
24 Enjoy the rest of your evening.

25 MR. KEENAN: Thank you.

1 MS. LAZAR: Thank you so much. You
2 too.

3 CHAIRMAN FUSARO: Good luck with
4 your project. Lyndsay, you had said that
5 Mr. Ralph had his hand raised.

6 MS. KNIGHT: Yeah. Let me -- Greg?

7 MR. RALPH: That was an inadvertent
8 click at the beginning of the hearing. I
9 apologize.

10 CHAIRMAN FUSARO: We won't hold it
11 against you, Mr. Ralph.

12 MR. RALPH: Thank you.

13 CHAIRMAN FUSARO: Moving along to
14 our next application; 244 Canterbury Road,
15 Sue Seeley & David Herman. Applicant is seeking
16 approval to construct a two-story addition to
17 enlarge a kitchen, a family room and a primary
18 suite above contrary to the Land Use Ordinance
19 Section 11.07.E.6 where side-yard setback
20 permitted is 10-feet and proposed is 4.88-feet.
21 Section 11.07.E.10 / 12.04F where building
22 coverage permitted is 20% or 1,625 square feet,
23 proposed is 22.6% or 2,137 square feet. And
24 Section 12.04.F.3 where building coverage with a
25 front porch permitted is 24% or 1,950 square feet

1 and proposed is 25.36% or 2,137 square feet.

2 Do we have the applicants?

3 MS. SEELEY: Yes, I'm here.

4 CHAIRMAN FUSARO: Okay. It's
5 Ms. Seeley. Is that pronounced correctly?

6 MS. SEELEY: That's correct. Thank
7 you.

8 CHAIRMAN FUSARO: Thank you so much.
9 Can you please state your name and address for the
10 record?

11 MS. SEELEY: Sure. Full name is
12 Sue Seeley. Address is 244 Canterbury Road.

13 SUE SEELEY, having been duly sworn,
14 was examined and testified as follows:

15 CHAIRMAN FUSARO: Do you have anyone
16 else that we need to allow into the meeting?

17 MS. SEELEY: Yes. I'm happy to say
18 that Hildie is here to represent me as well.

19 CHAIRMAN FUSARO: Ms. Lazar, since
20 we've already sworn you in, we'll ask the
21 applicant and/or you to please proceed.

22 MS. SEELEY: First, thank you so
23 much for taking the time to hear our application.
24 Unfortunately, my husband, David, had his flights
25 canceled from the west coast in the storm on

1 Saturday, so he is actively taking a red-eye home
2 as we speak and is not able to be with us. We've
3 been in our house almost 11 years this March. We
4 love our neighborhood, our wonderful neighbors.
5 When we moved here, Westfield was our first and
6 last, and only choice, but we do have the smallest
7 house in our immediate neighborhood on the
8 smallest piece of property, and the layout similar
9 to the previous folks that you just heard from.
10 It's very choppy, it's not incredibly functional
11 for us in terms of our kitchen and our living
12 space. So we're looking to change that so that we
13 have the perfect forever home. And I'm going to
14 pass it to Hildie to walk us through the rest of
15 our proposal.

16 MS. LAZAR: As Susie just said,
17 there are a lot of parallels between this
18 application and my previous application. This is
19 also an undersized lot. Also has a lot of
20 nonconformities. I will do the same thing that I
21 did a minute ago. I took these pictures on
22 February 5, 2021. This is what the house looks
23 like like now. This little room is above the
24 garage. They use it currently as a gym. As you
25 can see, it's small. I'm going to be getting into

1 that in a minute because this is the area that's
2 creating our side-yard setback variance that I'm
3 asking for. Here's that little room again. It's
4 a beautiful house. It's on Canterbury Road. Very
5 charming house. Very charming neighborhood. But
6 a bit of choppy floor plan and there's some
7 choppiness happening here on the left side.
8 Here's the house again from the front. A nice
9 front porch which is lovely, but, of course, adds
10 to building coverage. The back is another story.
11 As you can see, it's very flat. Nothing really
12 aesthetically appealing about it. And we have a
13 lot of little chopped-up roofs back here, which
14 I'm trying to clean up. So going to the next
15 sheet. And I guess we can call this Exhibit-A,
16 just like in the other presentation because I have
17 my 3D model on here.

18 MS. RAZIN: Okay. So this is
19 Exhibit A 3D Model. Do you have a date? Do you
20 want to put today's date?

21 MS. LAZAR: Today's date would be
22 great. Thank you.

23 (Whereupon, Applicant's Exhibit-A,
24 3D MODEL DATED 1/31/2022, was marked for
25 identification.)

1 MS. LAZAR: This is the front of the
2 house as it is. This is what I'm proposing to
3 just extend this room all the way to the left so
4 that it lines up with the existing house. It does
5 exacerbate an existing nonconformity and I'll get
6 into that. Also, on the front, just wanted to add
7 a dormer to the top just for a little bit of curb
8 appeal and a little bit of extra room in the attic
9 space, which you'll see. Then here's that front
10 left corner. A lot of little choppy roofs here.
11 Just trying to smooth it out in a simple,
12 efficient way. Then we're looking at the right
13 side of the house. The only thing I'm adding here
14 on the right side is I'm adding this bay, also, to
15 break up 25-foot continuous wall length. And
16 then, in the back of the house, we are proposing
17 to add a small family room with a bedroom above.
18 Again, here's the extension of that upper room,
19 which I'll talk about in the plan. And then, just
20 simple family room addition, bedroom above,
21 chimney fireplace on two levels, and then here it
22 is again.

23 Looking at zoning data, they're in
24 the RS-10 Zone which requires 10,000 square foot
25 lot, their lot is 8,125. So it's under what's

1 required by 1,875 square feet. It's also narrow.
2 The lot width is required to be 70-feet, they're
3 only 65-feet. That's an existing nonconformity.
4 That does contribute to our side-yard setback
5 issue. Obviously, lot frontage is also
6 nonconforming. The front-yard setback is
7 nonconforming, but we're not adding anything to
8 the front other than the dormer. The front-yard
9 setback, which was done by EKA Associates, goes to
10 the porch. And as you can see, the porch is
11 substantially in front of the front of the house.
12 So the dormer sits in line with that front wall
13 which is conforming. So we don't have an issue
14 there. Then side-yard setbacks, we're not
15 conforming on both the left and the right side.
16 I'm not proposing to change that, but on the left
17 side, I would like to pull that room out up here.
18 And I'll show you why when we get to the floor
19 plan. Just to make it a bit more functional and
20 just a bit more aesthetic. Currently, actually,
21 you can see in the pictures that this little
22 window right here is actually in this room, and
23 the only closet for this room is tucked underneath
24 this roof. So this room, it can't even be used as
25 a bedroom. And I'll get into that more when we

1 look at the floor plans.

2 Going back to zoning, we're not
3 conforming on story height, but we're not
4 exacerbating that because the dormer that I'm
5 proposing has less than a 7-foot ceiling height
6 inside. So that's not a variance for us. I would
7 like to say once again the floor area ratio is
8 under by 131 square feet. Building coverage,
9 we're asking for 211 square feet. Again, not
10 conforming lot size. Building coverage with front
11 porch, we're asking for a variance of 187 square
12 feet. And then the improvement coverage, again,
13 we conform and we're actually under by 260.5. And
14 then for continuous wall length, once again, the
15 right side is slightly nonconforming, but I'm
16 breaking that up with the addition of a bay
17 window. Looking at the floor plans, as Susie was
18 saying, similar situation here. We have a one-car
19 garage on the left side of the house attached, a
20 very large foyer, and a nice living room.

21 But then at the back of the house,
22 we have a little breakfast room and the garage
23 opens up into the breakfast room. So there's no
24 mudroom space at all. Then we go into the
25 kitchen, which is pretty small. It's

1 12-foot-5 1/2 from front to back, and 12-foot-5
2 left to right. So it's square. This is what it
3 looks like. This is a side view. I was standing
4 in the breakfast room when I took this picture.
5 So it's a tight kitchen, yet there's a lot of
6 floor space in here, but not enough for an island.
7 So it's sort of some wasted space in there. You
8 can see a lot of the items that would normally be
9 in a mudroom are tucked against the wall. We go
10 from small breakfast room to small kitchen. And
11 then, this is the family room. And then the
12 dining room is over here, and this is a really
13 disproportionately shaped room. So very, very
14 long and very, very narrow. But in the new plan,
15 which I'm proposing, we are creating a mudroom
16 here in this existing place.

17 First of all, I'd like to say that
18 this is the only area that I'm proposing to add.
19 It's an addition of 241 square feet. And I think
20 it's just enough room to give them a little bit of
21 a sitting area by the kitchen and create that
22 great-room feel that everybody wants. Now I'm
23 going to get that off. I did stop this addition
24 at the rear-yard setback line so that we were not
25 nonconforming over there. Obviously, you can

1 clearly see the addition is right in the middle of
2 the property so it doesn't create any side-yard
3 setback issues. Now, in this plan, they would
4 come through the garage into a mudroom space. In
5 the current layout, their powder room is right in
6 the middle of the first-floor. So it just breaks
7 up the flow and the circulation. But by putting
8 it here, by creating a mudroom here, I can tuck
9 the powder room into that mudroom. And then,
10 they've got this big, open, beautiful floor plan
11 with great circulation. You come into the foyer.
12 We turned this into the dining room.

13 Back to the kitchen. My clients
14 love to entertain. This is a small family room.
15 I mean just enough to have a sofa and a few chairs
16 and a table, but it's certainly adequate. Here's
17 a little dinette table. We'd like to tuck a bar
18 in here. And then by converting this long, narrow
19 room into two rooms, they're just better
20 proportions. Now, this small office down here is
21 helped by the addition of this bay. Which it does
22 add 15 square feet to building coverage, but it is
23 allowed to encroach into the side-yard setback
24 because we can't walk into it, it's just a window
25 seat. So we're not creating a nonconformity here.

1 What I am doing is I'm breaking up the 25-foot
2 continuous wall length. And it can be pretty.
3 You know, it's a nice, little bay with some
4 brackets. That is the change to the first-floor.

5 Now, going up to the second floor
6 quickly. The existing floor plan, the existing
7 second floor has a very small bedroom here, which
8 is Susie's office, a medium-sized room here which
9 is David's office, and then there is a bedroom in
10 the back which maybe should be the master suite,
11 but it only has a small powder room -- like a
12 toilet and small sink here, not a shower, no tub.
13 It's got one small closet. And then, really all
14 four of these rooms share this one bathroom. As
15 you can see, here this is a really small gym.
16 This tiny nook is this window here, and you can
17 see it again in the photos. So it's not even
18 really a legit bedroom because there's no closet
19 space. So that's why this part of the application
20 is really separate from everything that I'm
21 proposing in the back, but I just thought from a
22 functional standpoint and an aesthetic standpoint,
23 it makes a lot of sense to at least ask you to
24 grant this. It actually gives them better usage
25 of a room. So what we're proposing here is to

1 square off this room, enlarge it. This is our
2 variance request. It does line up, obviously,
3 with the room below. And then create a primary
4 suite in the back because currently, my clients
5 actually sleep in the attic since there's only
6 that one bathroom on the second-floor they don't
7 have adequate closet space in that bedroom. So
8 we're just proposing to do a new bedroom back
9 here, line it up with the family room below, have
10 it sit on the rear-yard setback line. And then
11 this bedroom would have a nice, big walk-in closet
12 and its own bathroom with a decent-sized shower,
13 two sinks. Then we can bring a little washer and
14 dryer up here, just a closet. And then, of
15 course, this hall bath then services these three
16 rooms. I was thinking as an architect and being
17 familiar with the neighborhood, I don't think that
18 it's a huge ask because most of the homes in this
19 neighborhood do have four decent-sized bedrooms on
20 the second-floor. So that was what I wanted to
21 show you on the second-floor.

22 Once again, if this is approved, we
23 now have a front elevation that looks like this
24 with a nice, new dormer up top. Which would be --
25 let's just show you the attic quickly. The attic

1 is -- other than adding -- sorry about this. This
2 is the existing attic. My clients do sleep up
3 there. And we would just be adding this dormer
4 which is mainly for curb appeal, but it also gives
5 them a bit more space in this walk-in closet.
6 And it doesn't create any variance issues for
7 them. So it's just a nice thing to have. So the
8 front elevation would have the new dormer.
9 Hopefully, this extension, and then in the back,
10 we would have this family room with another
11 bedroom above. Hopefully, this extension. Left
12 side, it's just a lot cleaner. Everything here
13 lines up. We put an egress window in this small
14 room. And then on the right side, I'm asking for
15 this bay, which breaks up 25-foot wall length, and
16 then makes that downstairs room a little bit more
17 spacious. And then here's the two-story addition
18 with the rear wall sitting on the rear-yard
19 setback line. And that is my testimony.

20 CHAIRMAN FUSARO: Thank you,
21 Ms. Lazar. I've got a couple of quick questions
22 and then we'll open it up to see if any other
23 board member has some questions or anyone from the
24 public. Can you speak on -- you didn't mention
25 anything about the basement. Can you touch on

1 that a little bit?

2 MS. LAZAR: Sure.

3 CHAIRMAN FUSARO: I see that you're
4 adding to the basement a sitting area, an
5 additional wine room from what's there currently,
6 and you're putting an egress window there with a
7 powder room as well. Are there any plans for that
8 to be a future bedroom? Is that what there's an
9 egress window there?

10 MS. LAZAR: No. No. Absolutely
11 not. We currently have a finished basement, and
12 my clients actually are travelers. They travel
13 all over the world. They have a beautiful wine
14 collection. Currently, it's just sitting here
15 against the wall. And so we figured that if we do
16 this addition, they may as well get a little bit
17 of extra space by doing a full basement down here
18 as opposed to a crawl space. And it would enable
19 them to have a wine room with a nice sitting area
20 to enjoy entertaining and drinking wine. I always
21 like to put an egress window in a basement even
22 though there's no bedroom down here just for a
23 secondary egress route just for safety. There's
24 no intention of making this a bedroom. This is
25 just a powder room here. We don't have a powder

1 room down in the basement right now, but we have a
2 laundry room in this back corner. In my proposal,
3 I'm trying to get that laundry room upstairs to
4 the second-floor. So we figured since there's
5 plumbing here already and we're trying to create a
6 nice entertainment space in the basement, why not
7 put a powder room in the corner. But we're not
8 creating any kind of a bedroom down here.

9 MS. SEELEY: We also asked Hildie to
10 put the egress window in there because we have one
11 now and just for the light. We didn't want it to
12 be completely, completely dark down there.

13 CHAIRMAN FUSARO: Thank you. I see
14 and I will notes to the board members as well that
15 there was a previous variance granted for this
16 property back in January 2005. I believe it
17 pertained to the side-yard setback. Hopefully,
18 everyone from the board had a chance to review
19 that previous variance that was approved.

20 Ms. Lazar, I understand your layout. I understand
21 what you're looking to do. Granted, the parcel is
22 undersized. However, I do see that you're
23 basically -- just if someone were to glance at
24 this at first -- at first glance, you're creating
25 two dining rooms, two master bedrooms, two offices

1 for Susie. I think it might be a little much.
2 Perhaps we can see if something can be done to
3 shrink that a little bit. Other than that -- I
4 want to see if I have other notes here, I guess
5 it's considered the existing structure is three
6 stories even though two-and-a-half stories are
7 what's permitted. Lyndsay, correct me if I'm
8 wrong, that work is not being addressed currently,
9 that was addressed in the previous variance; is
10 that correct?

11 MS. KNIGHT: Yes. They're not
12 expanding upon it.

13 CHAIRMAN FUSARO: Thank you. I
14 appreciate you adding that bay window on the side
15 there to cut back on that 25-foot continuous wall.

16 MR. MASCIALE: Do we hear any
17 testimony on the property to the left. It looks
18 like that property comes very close to the border
19 to the property line?

20 CHAIRMAN FUSARO: A very good point,
21 Chris. I noticed that in the photographs and then
22 I was going to bring up that side-yard setback at
23 4.-some-odd-feet. So, yeah. Perhaps Ms. Lazar
24 could elaborate on that a little bit. I don't
25 know if you have any other questions for her.

1 MS. LAZAR: I don't know anything
2 about that property to the left of my client's
3 house. I don't know exactly where it sits on
4 their property line on their property or if they
5 have a nonconforming setback on that right side.
6 I mean, all I can tell you is that with my
7 application, I mean, the way that I see this is,
8 yes, it is considered an exacerbation of the
9 side-yard nonconformity, but since I do just want
10 to align it with this wall, and just by aligning
11 it with this wall, it turns almost a non-usable
12 space into a usable bedroom. And also, if I can
13 just quickly address your other comment about the
14 offices and the dining and everything. What I
15 want to do here is create an eat-in kitchen, and
16 then this would be the dining room. It's not
17 really two dining rooms, it's really an eat-in
18 kitchen which many homes in this neighborhood and
19 of this size have. And then this is actually more
20 of a formal dining room. And then your comment
21 about the two master bedrooms. My clients don't
22 want to have to utilize a finished space up in the
23 attic. They would really like to be on this main
24 bedroom floor. Again, a lot of homes in this
25 neighborhood and of this size have four nice-sized

1 bedrooms on the second-floor, and then they do
2 have a livable attic area. It is something that
3 my clients inherited when they purchased the
4 house. They just decided that they had to live up
5 there in the attic because they didn't have an
6 adequate master suite on the second-floor. So I
7 just wanted to address that. And then, lastly,
8 the thing about the offices, Susie does work in
9 this little space right now, and David does work
10 in this space, but they are bedrooms. And again,
11 it's just four bedrooms on the second-floor. It's
12 not an oversized house, as you said. We're trying
13 to make the most out of it on a very, very small
14 lot. If she could come down here and not have to
15 be in a bedroom where she had proximity to the
16 kitchen and to outside, it would be very nice.
17 And, of course, the bay window adds a little bit
18 more space and a little bit more light. And then
19 that office up there could be given back to an
20 actual bedroom. That would be the goal. So I
21 just wanted to respond to your observations.

22 CHAIRMAN FUSARO: Thank you. One
23 other quick question, if you can go up to the
24 second-floor. Is that enlarged gym or even the
25 room that's existing currently, I see that they're

1 stairs leading up to it, is that on a different --

2 MS. LAZAR: When you get to this
3 landing on the staircase that bedroom is basically
4 at landing level. So, yes. It is about three or
5 four steps down from the second-floor.

6 CHAIRMAN FUSARO: Okay. So that gym
7 is at a different floor level than the
8 second-floor?

9 MS. LAZAR: Correct.

10 CHAIRMAN FUSARO: Approximately,
11 four steps lower.

12 MS. LAZAR: Correct.

13 MS. SEELEY: As to your question
14 about the neighbor. All of the building was done
15 over there before we move in, so I don't have a
16 tremendous amount of knowledge other than the
17 previous owners of this house told us there was a
18 variance. But we don't have anything other than
19 that shared information at that time of closing.

20 CHAIRMAN FUSARO: When did you
21 purchase the home?

22 MS. SEELEY: In 2011.

23 CHAIRMAN FUSARO: 2011. Thank you.
24 Chris or any other board members have any
25 questions for Ms. Lazar or the applicant before I

1 ask anyone from the public?

2 MR. MOLNAR: Yeah, I do. It's
3 Carol. The house drainage, it's all being piped
4 out to the street?

5 MS. KNIGHT: They don't have to pipe
6 out to the street unless it's a new single-family
7 home based on the town code.

8 MR. MOLNAR: Really?

9 MS. KNIGHT: Yes.

10 MR. MOLNAR: The area tends to flood
11 a little bit. So it just pipes out to the
12 property and then -- is the backyard sloped at all
13 to any of the other neighbors?

14 MS. LAZAR: I think that the
15 backyard is relatively flat. Susie, do you think
16 it's relatively flat back there?

17 MS. SEELEY: Yeah. I mean, there's
18 not a perceivable slope.

19 MS. LAZAR: And we are under in
20 impervious coverage.

21 CHAIRMAN FUSARO: I don't see any
22 grades on any of the drawings. You said EKA
23 prepared a --

24 MS. LAZAR: EKA did our survey, but
25 we don't have a topographic survey. I do not have

1 elevations of the property right now.

2 MR. COHEN: Have there been prior
3 problems with flooding on the property or water?

4 MS. SEELEY: Not since we've been
5 here.

6 MR. COHEN: You did okay during Aida
7 a couple of months ago?

8 MS. SEELEY: We did great. We've
9 survived every -- Sandy and Aida.

10 CHAIRMAN FUSARO: I'm going to kind
11 of throw this out there. I don't know if anybody
12 has picked up on this or not, and I don't know if
13 we need to address it currently. And again, I
14 apologize, I'm looking at your site plans
15 upsidedown again, Mrs. Lazar. But in the upper
16 left-hand corner of the site plan, there's an
17 existing shed. The shed is currently,
18 approximately, 1-foot off the property line in one
19 direction and a little over a foot off the
20 property line in the other direction. Lyndsay, is
21 something that we need to address at this time
22 since it's a requirement that it be 5-feet off the
23 property line?

24 MS. KNIGHT: Katie, you can correct
25 me if I'm wrong, but we don't know when the shed

1 was put in or when -- I mean I know when the
2 ordinance was changed -- but the shed could
3 predate the ordinance, so it's kind of an existing
4 nonconforming.

5 MS. RAZIN: I agree with that. It's
6 an existing condition. I mean you could ask about
7 it, but if it's there, it's there.

8 CHAIRMAN FUSARO: I'm assuming --
9 we'll just ask the applicant -- I'm assuming they
10 did not put that shed there. Is that correct?

11 MS. SEELEY: No. It was there when
12 we purchased the property.

13 CHAIRMAN FUSARO: Thank you. That's
14 fine. Any other board members have questions for
15 Ms. Lazar or the applicant at this time?

16 MR. MOLNAR: I just want to make an
17 observation, and it happened on the other
18 application, if a was variance needed and it
19 wasn't obtained, it is not grandfathered when you
20 buy the house. So there could be a preexisting
21 variance that should be applied for.

22 MS. KNIGHT: It could have been also
23 done prior at to the ordinance and we don't have
24 the information.

25 MS. RAZIN: Are you talking about

1 the shed, Carol?

2 MR. MOLNAR: Yeah. Yeah.

3 MS. RAZIN: Right. We don't know.

4 They could have had a permit. Without having gone
5 -- I don't know if anyone asked for it like a
6 permit for the shed, per se, or if that was
7 supplied.

8 MS. KNIGHT: Sheds don't require
9 permits.

10 MS. RAZIN: So there you go. So
11 then there would be almost no record unless there
12 was a variance or it was done prior to.

13 MR. MOLNAR: Is it a relatively new
14 shed? Does it look new?

15 MS. RAZIN: I mean it's been there
16 since 2011; right?

17 MS. SEELEY: Yes, that's correct.

18 MR. MOLNAR: When I was on the
19 planning board many moons ago, sheds always had to
20 be 5-feet, and that was in the 90s. So I suspect
21 all these ordinances in '09 just carried forward
22 the prior ordinance of the prior planning zones.

23 MS. KNIGHT: The entire Land Use
24 Ordinance went through an entire rewriting in
25 2009. There were some major changes that

1 happened. So we don't really know and it's not
2 part of the application, so I don't think we can
3 really -- besides think about it, I don't think we
4 can really do much more.

5 MS. RAZIN: Plus, to say also as a
6 further note to that. If they were over on
7 impervious coverage, for example, then you could
8 say and ask them as a reasonable condition to see
9 if they would be able to take it out. Since
10 they're not over on coverage, per se --

11 MS. MOLNAR: It's so close to the
12 property line, though.

13 MS. RAZIN: Understood. So you can
14 ask what you want to ask, but from a
15 variance-to-condition relationship, right, your
16 conditions want to match what your variances are.
17 So if they were over on impervious, a reasonable
18 condition might be to either move the shed or
19 remove it entirely so that you get under the
20 impervious coverage. I'm not sure what you're
21 gaining. I mean you're gaining maybe compliance,
22 but it's there, so they're not required to, per
23 se, move it. It does nothing --

24 (Crosstalk.)

25 MS. RAZIN: As Lyndsay said, it has

1 nothing to do with what they're asking for in this
2 particular instance, I would think.

3 MR. MOLNAR: But if a neighbor
4 complained "this shed is too close" then we would
5 just have to take a look at the ordinance and say,
6 "Hmm. That ordinance said 5-feet back in 1980."

7 CHAIRMAN FUSARO: Correct. We've
8 had this come up, and Chris, please correct me if
9 I'm wrong, we've had this come up several times
10 and one of the people, one of the applicants that
11 had testified came before us, I believe, last
12 meeting and the meeting prior to that and said,
13 "Well, listen, our neighbor's shed 3-feet from the
14 property line. Why are you busting my chops and
15 asking for me to be 5?" We'll say, "Well, that's
16 what it is." If you have an issue with your
17 neighbor's shed, then please report it to the
18 buildings department and we'll inspect it and so
19 on and so forth, and then we'll address it. But
20 as of right now, I'm kind of familiar with the
21 neighborhood. Many of those homes were built in
22 the 1920s, who knows when that shed was placed
23 there.

24 MR. MOLNAR: I just want to make
25 sure everyone realizes that a variance is not

1 grandfathered when you buy the house. If you buy
2 a house and there was a variance that wasn't taken
3 care of, you've got to take care of it.

4 CHAIRMAN FUSARO: That's correct.

5 MR. MASCIALE: That is correct.

6 (Crosstalk.)

7 MS. RAZIN: If don't have a
8 variance, you mean. Otherwise, it does run with
9 the --

10 MS. MOLNAR: Right. If you didn't
11 get a variance, but you have a new owner, the new
12 owner is stuck and might have to get a variance.

13 MS. RAZIN: Depending on the
14 situation. Unless the situation was there, unless
15 the nonconformity was there prior to the
16 ordinance.

17 MS. KNIGHT: And the way Westfield
18 looks at existing nonconforming conditions is they
19 exist on the property as is. You would only
20 require a variance if you further exacerbate it.

21 MR. MOLNAR: You're saying it's
22 grandfathered in, in other words.

23 MR. MASCIALE: No. I wouldn't say
24 it's grandfathered in.

25 MS. KNIGHT: Unless you're

1 exacerbating it, you don't require a variance.

2 MR. SONTZ: I think maybe
3 "grandfathered" is the wrong word. But if we
4 wanted to bring a zoning violation, it would be
5 incumbent upon the town to prove that it violates
6 the ordinance, and we would have to prove -- right
7 -- we would have to prove it. We don't just get
8 to say it doesn't conform, you must prove that it
9 predates, right, we would have to prove that it
10 was put in after an ordinance and it violates.
11 Right? Because I think -- let's just use this
12 house -- let's say someone brought a zoning
13 application before us and we found an addition
14 that didn't conform, we'd have to say the same
15 question, "Well, does it predate the ordinance or
16 doesn't it?"

17 (Crosstalk.)

18 MS. RAZIN: Right.

19 MR. SONTZ: And if we saw wood that
20 had a date, you know, this wood was purchased in
21 2018, and we can tell, hey, wait, this was done
22 five years ago, then we could certainly bring a
23 zoning violation against somebody; right?

24 CHAIRMAN FUSARO: Correct. That's
25 my understanding.

1 MS. RAZIN: Yes. I mean you
2 wouldn't want to bring a zoning violation. You'd
3 want them to fix it, come back, and whatever.
4 You're going back to enforcement. Your job is not
5 the enforcement -- I mean, I'm not saying what
6 your job is, but your job is not necessarily
7 enforcement -- but, yeah, you would want them to
8 come in and get the appropriate relief or take
9 ultimately get the person who's in charge of
10 enforcing it, come back, and then they'd either
11 have to get the relief or take it down. But the
12 appropriate parties all have to take their
13 appropriate steps to do that.

14 MR. MASCIALE: So the building
15 coverage is over in this case, we could ask the
16 applicant to remove the shed to bring down the
17 building coverage. In this case, I don't think
18 it's warranted because I don't think the
19 difference is going to make a difference on the
20 property. I don't think it's going to make
21 difference on the impact to the neighbors, and
22 then where is that stuff that's in the shed now
23 going to go. In this case, I don't see any
24 benefit of getting rid of the shed. But we are in
25 the right to ask the applicant to remove the shed

1 for the additional coverage that they're asking
2 for.

3 MR. MOLNAR: I wouldn't say they
4 remove the shed. But when I was on the planning
5 board, the applicant listed all variances. So if
6 the shed was 1-foot from the property line, which
7 is not allowed by ordinance, they would list it.

8 MR. MASCIALE: Yeah. It should be
9 listed as a nonconforming condition, Carol. It
10 could be.

11 MS. MOLNAR: Exactly.

12 MR. MASCIALE: I don't think you're
13 wrong with that. You know there's a long link of
14 nonconforming conditions on this property, and
15 it's such an undersized lot, but I don't see an
16 issue with the shed currently as it is. But I
17 think we can ask them to remove it.

18 CHAIRMAN FUSARO: I agree with you.

19 MR. MOLNAR: In the future, they
20 might include it on their application; the shed
21 and it's too close with the variance. You know?

22 MR. MASCIALE: You're right. I
23 think it should have been listed on the
24 nonconforming conditions.

25 CHAIRMAN FUSARO: Anyone else have

1 any questions before I open it to the public? Any
2 other board members have questions for Ms. Lazar
3 or the applicant?

4 MS. HROBLAK: I have a comment for
5 the applicant. One of Ms. Molnar's questions was
6 where does the house pipe out to, where's the
7 basement. It's not just a matter of being over or
8 under impervious coverage, but when you make these
9 increases and you inherently change the grading
10 and where discharge runs, it would probably be in
11 your best interest to just check with your
12 neighbors prior. Because even though you may not
13 have had flooding, they may have it, and you may
14 be making it worse. So that's my comment in
15 general.

16 MS. SEELEY: Thank you.

17 CHAIRMAN FUSARO: Thank you,
18 Allyson. At this point, I would like to ask
19 anyone from the audience or the public if they
20 have any questions, comments, concerns for the
21 applicant and/or Mrs. Lazar, please virtually
22 raise your hand and Ms. Knight will let you speak.

23 MS. KNIGHT: I do not see any hands
24 raised.

25 CHAIRMAN FUSARO: That you, Lyndsay.

1 Seeing none, we'll close the public portion of the
2 meeting and we'll move to board discussion unless
3 the applicant or Mrs. Lazar have anything to add
4 at this time.

5 MS. LAZAR: I don't.

6 MS. SEELEY: Just thank you so much
7 for the opportunity to present and we appreciate
8 your consideration. Thank you.

9 CHAIRMAN FUSARO: Thank you. I'm
10 going to open it up to board discussion. As I
11 mentioned in a couple of my comments, my main
12 concern is that side-yard setback of the 4.83% I
13 believe it was. I know Ms. Lazar had mentioned
14 that she was trying to square the building off to
15 make it look more aesthetically pleasing and to
16 make that room a little more usable. I don't know
17 the rest of the board feels with A, the size of
18 the addition and that side-yard setback. Anybody
19 care to elaborate or comment on it?

20 MR. MASCIALE: I'll follow up real
21 quick, Frank. I was worried about the massing on
22 the side that's why I was asking about the
23 neighbor's property. Their bump out is behind it,
24 this is forward. And since it's lowered, it's not
25 really the full two stories. So I think the

1 compromise here of it going out but being lower, I
2 don't think it's like a massing that's really
3 doing to affect the neighbor. And that's what I
4 was concerned about. So I think I kind of support
5 it. It's low, it's not that big and I don't think
6 it's going to like block the sun on the neighbor.
7 So I don't think it's a massing issue.

8 CHAIRMAN FUSARO: Thank you. Thanks
9 for your comment. Does anybody else have any
10 comments regarding the application?

11 MR. MOLNAR: Is this a flexible C?

12 CHAIRMAN FUSARO: I'm sorry. Say
13 that again, Carol.

14 MS. MOLNAR: Is this a flexible
15 C-variance that we're going for?

16 CHAIRMAN FUSARO: Yes. It's a
17 C-variance based on a hardship. The lot is,
18 approximately, 20% undersized. So I think that
19 Ms. Lazar pointed out quite a few issues with the
20 size of the lot, the width of the lot, the length
21 of the lot, etcetera.

22 MS. RAZIN: Just to add to that.
23 The variance on the side that you were just
24 discussing could go either way. If there is an
25 existing setback issue below so that part is a C-1

1 potentially. But the benefits potentially of, you
2 could argue, of making that room square and making
3 that aesthetically pleasing could also go to a
4 C-2. So you could look at that particular
5 variance from either way you want.

6 CHAIRMAN FUSARO: Thank you, Katie.
7 Any other board members have any comments?

8 MR. REISEN: Yeah. I was just going
9 to say looking at the numbers, it's not a huge ask
10 compared to what we usually see for overages. So
11 I tend to look favorably upon this request.

12 CHAIRMAN FUSARO: Thank you, Sam.
13 Anyone else?

14 MS. HROBLAK: I have a comment. I
15 agree with Chris about the massing on the side.
16 It seems just very minimal, and it's making it
17 more functional. But I did have a question about
18 the attic and how that plays into floor area
19 ratio. Can Lyndsay speak to that?

20 MS. KNIGHT: Sure. The attic, the
21 FAR is you take the floor plan of the second-floor
22 and one-third of that is exempt from FAR in the
23 attic. So say the second-floor was 900 square
24 feet, 300 square feet in the attic would not be
25 counted towards FAR.

1 MS. HROBLAK: I know we have a lot
2 of issues with people putting room up in the
3 attic. They already have a room up there and now
4 we're giving like another room. So FAR
5 architectural stuff is not my forte, but sometimes
6 trying to follow why it's applicable in one case
7 and not in another case. Because the dormer
8 certainly adds a lot of functionality to that
9 room. I'm not for or against it. I'm just
10 curious how this stuff plays together. It doesn't
11 seem like they're over on anything.

12 MR. MASCIALE: The FAR was revised.
13 We used to be able to go up three stories and the
14 Land Use Task Force brought the overall ceiling
15 height down -- I mean the building height -- which
16 then doesn't allow you to have a full three
17 stories. So people were building a full story
18 attic, to your point Allyson, with stairs going up
19 to it and then saying, "Oh, no. We're not going
20 to do anything with it" and then the next week
21 they're finishing it. So that was one of the main
22 points of the Land Use Ordinance revisions which
23 brought the overall height down and not allow you
24 to have a full, and then the one-third rule which
25 Lyndsay was just making. So I think we're good

1 here. But that is always a concern.

2 CHAIRMAN FUSARO: Lyndsay, this FAR
3 calculation, you had obviously take the on-third
4 two-thirds into account and it does apply;
5 correct?

6 MS. KNIGHT: Yes. And they are
7 compliant, I believe, with FAR as well. It's not
8 part of the variance request.

9 CHAIRMAN FUSARO: Thank you. Anyone
10 else?

11 MR. MOLNAR: How close is the FAE?
12 I can't find it.

13 MS. KNIGHT: It's on the first
14 sheet. They are at 35.38%, 2,875 square feet.
15 And they are permitted a maximum of 37% which
16 would be 3,006 square feet.

17 CHAIRMAN FUSARO: It's right in the
18 middle --

19 MR. MOLNAR: So if they filled in
20 the front porch, would that put them over the FAR?

21 CHAIRMAN FUSARO: Probably.

22 MS. KNIGHT: It would depend how
23 much the front porch gets filled in. They would
24 have to apply for building permits for that as
25 well. So if they were to apply for building

1 permits, it would most likely trigger the need for
2 a variance.

3 MR. MOLNAR: Now, Frank always says
4 on some of the applications as part of the
5 approval he requires they state that the front
6 porch will not be closed in.

7 MS. KNIGHT: That's typically when
8 they're proposing a front porch.

9 MR. MOLNAR: Well, there is one
10 there already.

11 MS. KNIGHT: But they're not
12 proposing as part of the application.

13 MS. MOLNAR: I see. So it's
14 existing. So you can't request now that it not be
15 closed.

16 MR. MASCIALE: Sure we can.
17 Absolutely. We can throw it in as a condition
18 that they can't enclose it.

19 MS. MOLNAR: Okay. Thank you.

20 CHAIRMAN FUSARO: We usually --

21 MR. MASCIALE: No, it's a good point
22 because once you give that coverage, technically,
23 they can enclose it without coming back in front
24 of us.

25 MS. KNIGHT: But they would trigger

1 a variance by --

2 MR. MASCIALE: They would trigger a
3 variance?

4 (Crosstalk.)

5 MS. KNIGHT: -- by permitable floor
6 area because I mean they're so close on their FAR.
7 When they go to get permits, it would trigger it.

8 MR. MASCIALE: It would trigger it
9 anyway. Okay. We always like throwing it in
10 anyway. Let's throw it in.

11 CHAIRMAN FUSARO: Just a general
12 rule of thumb, I'm usually the person that brings
13 that up. But it's usually, as Lyndsay said, it's
14 when there is a porch involved whether it's being
15 added, modified, extended, etcetera. That being
16 not the case here, that's why I didn't bring it
17 up. But certainly, as Chris said, we have no
18 problem adding a condition to that.

19 MR. MOLNAR: I brought it up for
20 you, Frank.

21 CHAIRMAN FUSARO: Thank you very
22 much. Anything else? I see no other comments
23 from the board. I would ask for a motion.

24 MR. MASCIALE: I'll make a motion to
25 accept the application as submitted with the

1 condition that the porch remains open.

2 MS. PAVON: I second.

3 MS. KNIGHT: Michael Cohen.

4 MR. COHEN: Yes.

5 MS. KNIGHT: Charles -- Charles is
6 off. Allyson Hroblak.

7 MS. HROBLAK: Yes.

8 MS. KNIGHT: Carol Molnar.

9 MR. MOLNAR: Yes.

10 MS. KNIGHT: Eldy Pavon.

11 MS. PAVON: Yes.

12 MS. KNIGHT: Chris Masciale.

13 MR. MASCIALE: Yes.

14 MS. KNIGHT: Sam Reisen.

15 MR. REISEN: Yes.

16 MS. KNIGHT: Matt Sontz.

17 MR. SONTZ: Yes.

18 MS. KNIGHT: Frank Fusaro.

19 CHAIRMAN FUSARO: Yes. Your
20 application is approved. Good luck with your
21 project. Thank you.

22 MS. LAZAR: Thank you so much. Have
23 a good night.

24 MS. SEELEY: Thank you. Take care.

25 CHAIRMAN FUSARO: It's now 10:50.

1 We have two additional applications. Chris, what
2 are your thoughts? We'll definitely get to
3 119 South Scotch Plains Avenue. Do we want to ask
4 the Brubakers at 920 Irving if they'd like to hang
5 on or should we reschedule?

6 MR. MASCIALE: I appreciate -- it's
7 10:47 Frank. We don't usually start applications
8 after 11:00. My recommendation would be to
9 release the rest and start the Scotch Plains
10 Avenue.

11 MR. MOLNAR: Scotch Plains is a
12 rather involved one. Could we hold that one over
13 until next month?

14 MR. MASCIALE: Let's start it.

15 CHAIRMAN FUSARO: No. We're going
16 to get it started and then we'll continue it.

17 MS. MOLNAR: Okay. Okay.

18 CHAIRMAN FUSARO: Is the applicant
19 from 920 Irving Avenue, Ms. Brubaker, is she
20 available? Raise your hand. Do you see anybody,
21 Lyndsay?

22 MS. KNIGHT: Yeah. I gave her
23 permission to talk.

24 MS. BRUBAKER: Hi, this is
25 Tonya Brubaker.

1 CHAIRMAN FUSARO: Thank you so much.
2 I apologize. It doesn't look like we're going to
3 get to your application this evening. We will
4 carry your application to our next meeting which
5 is February 14 without further notice. Again, I
6 appreciate your patience. And I apologize for the
7 delay.

8 MS. BRUBAKER: Okay. Thank you.

9 CHAIRMAN FUSARO: Thank you. Have a
10 great evening. See you next meeting.

11 CHAIRMAN FUSARO: Moving right
12 along, we're going to move to 119 South Scotch
13 Plains Avenue, Stan and Jessica Kopec. Please
14 correct me if I'm wrong after we let you in.

15 Applicant is seeking approval to
16 construct a bedroom over the existing one-story
17 family room off the rear and finishing the balance
18 of the attic with compliant dormers as well as
19 attaching the garage to the existing dwelling and
20 the mudroom connector contrary to the following
21 sections of the Westfield Land Use Ordinance:
22 Section 12.04F where the building coverage
23 permitted is 20% or 1,373.33 square feet with a
24 3,600 square foot max. And proposed is 23.02%
25 which is 1,575.03 square feet. And Section

1 11.09E-6 where minimum side yard setback on the
2 right side permitted is 10-feet and proposed is
3 2.44-feet. Are the applicants available?

4 MR. KOPEC: Yes, we're here.

5 CHAIRMAN FUSARO: Thank you.

6 Pronounce your last name. Kopec, is it?

7 MR. KOPEC: Yes.

8 CHAIRMAN FUSARO: Thank you so much.

9 Mr. Kopec, please state your name address for the
10 record.

11 MR. KOPEC: Yes. It's
12 Stanley Kopec, 119 South Scotch Plains Avenue,
13 Westfield, New Jersey 07090.

14 STANLEY KOPEC, having been duly
15 sworn, was examined and testified as follows:

16 CHAIRMAN FUSARO: Do you have any
17 other professionals? I see Mr. Ralph, there he
18 is. Mr. Ralph, welcome. Good seeing you again.
19 Happy New Year. It's our first meeting of the
20 year. I know you've been before the board
21 numerous times, but can you just give us a brief
22 description of your qualifications so we can
23 confirm it.

24 MR. RALPH: Absolutely. Bachelor of
25 Architecture from Roger Williams University.

1 Licensed in New Jersey since 2011. License is in
2 good standing. And I have presented before this
3 board others in the near recent past.

4 CHAIRMAN FUSARO: Thank you,
5 Mr. Ralph. Please state your address for the
6 record.

7 MR. RALPH: 1924 Route 22 East,
8 Bound Brook, New Jersey 08805.

9 CHAIRMAN FUSARO: Thank you. Unless
10 any board members have any objections we'll
11 continue to allow Mr. Ralph to testify as a
12 licensed architect in the State of New Jersey.
13 Mr. Kopec, please proceed with your application
14 and tell us about it.

15 MR. KOPEC: Thank you for giving us
16 the opportunity to hear the application. My wife
17 Jessica and I have lived here for seven years
18 since January 2015. We're very active with the
19 community; McKinley School, Girl Scouts. So we
20 haven't made any improvements to date other than
21 just normal wear and tear, upgrade electrical
22 outlets, covered radiators indoors. But we're
23 looking to increase the space for our family. I i
24 have two younger daughters. We have bedrooms that
25 are extremely small with minimal closet space.

1 The current flow doesn't allow for essentially any
2 bedroom furniture. One of the bedrooms is
3 eight-by-eight with no room for anything other
4 than a bed. We're looking to add the bedrooms as
5 well as an attached garage. The current garage
6 built here probably 1930s and just not really
7 useable at all. No electricity, no electric
8 doors. It's an old structure. Requires new
9 windows and paint, etcetera. We're looking to
10 complete our forever home. And alongside with me,
11 we have excellent relationships with all of our
12 neighbors. Most importantly, the Powers family.
13 Chris Powers will be here to speak on our behalf
14 as well. I'll just turn it over to Great at this
15 point.

16 CHAIRMAN FUSARO: Thank you,
17 Mr. Kopec. Mr. Ralph, the floor is yours.

18 MR. RALPH: Thank you. I'll share
19 my screen. I will walk through --

20 MS. RAZIN: Sorry, Mr. Chairman, did
21 you swear them? Did I miss that?

22 MR. RALPH: I might not have been
23 sworn.

24 CHAIRMAN FUSARO: I have not sworn
25 in Mr. Ralph, I did swear in Mr. Kopec.

1 MS. RAZIN: I'm sorry. I just want
2 to make sure.

3 GREGORY RALPH, having been duly
4 sworn, was examined and testified as follows:

5 MS. RAZIN: Not that I don't trust
6 you, Mr. Ralph. I just wanted to make sure.

7 MR. RALPH: No, I appreciate it.
8 Thank you.

9 MS. RAZIN: Those little things fall
10 off once you get past 10:00 p.m.

11 MR. RALPH: It's all good. I
12 appreciate you hearing us this late. So we'll
13 walk the variance request, the existing lot, and
14 construction conditions, and then our proposal. I
15 have been inspired by Mr. Lazar. I will share a
16 3D model and some photos as well, and we will move
17 ahead. Jumping right into it. We're here tonight
18 for two variance requests. We are requested a
19 side yard at 2.44-feet where 10 is required. And
20 we are requesting a building coverage variance of
21 23.02% or 1,575 square feet, where 20% or 1,368
22 square feet is the ordinance. So that is a net of
23 207 square feet of an ask in building coverage.
24 In terms of the lot, I'll actually pull up the
25 survey that was submitted just to talk through it.

1 So it's a conforming lot 50-by-136 or so. Average
2 6,800 square foot lot in the RS-6 Zone. Of note,
3 there is a two-and-a-half-story existing dwelling.
4 It was noted in the staff report that there was an
5 existing nonconformity of 5.8-feet at the left
6 side of the house at the one-story porch that has
7 windows and it is conditioned space now. That
8 over on side of the house. And there is an
9 existing detached one-car garage that sits at
10 3.9-feet from the existing property line. And
11 this will become very important as I move through
12 why we're asking for what we're asking. Because
13 on paper, we very much understand the 2.44 number.
14 It sounds extreme, but we hope to demonstrate with
15 the existing condition and the installation of the
16 adjacent fence actually -- and I'll show in
17 photographs -- that were just taking existing
18 condition and bringing it up and attaching it to
19 the house with minimal other change in terms of
20 that side yard. And then, it was noted also in
21 our staff report in our existing conditions that
22 the existing building coverage is a
23 tenth-of-a-percent or so over. And we are asking
24 for another 3% on that.

25 So if I dive into the plans

1 themselves briefly on our drawing A-3. This is
2 the originally submitted drawing. I'll start on
3 the first-floor. We have that sunroom that's at
4 one-story 7-foot-10 ceiling height that has the
5 existing encroachment. You enter right into the
6 living room with a little side hall area,
7 side-mounted stair. Pretty typical center hall
8 colonial with side stair. Pass through space,
9 dining room, and then actually in 2011, there was
10 a building permit opened and completed to
11 construct this which is like a kitchen/family
12 addition on the rear. So that's the existing
13 first-floor with a full bath. And then one of the
14 main motivating factors for the project was this
15 existing second-floor where we have these three
16 bedrooms. And this was the bedroom noted at
17 8-foot by 8.8. The other bedroom, 11-by-12 with a
18 one-and-a-half foot deep closet. And then the
19 master is 11-by-12 currently. And then we just
20 show the attic because it becomes part of scope.
21 It's an existing walk-up unfinished attic. And
22 then, just for data, that detached garage is about
23 24-feet away from the dwelling currently. And
24 again, we'll be proposing to move that forward.

25 We were approached with three

1 objectives by the Kopecs. The objectives, which
2 you'll see on the next page, were on three levels.
3 So on the top level, which was unrelated to the
4 variance request, is the finishing of the attic
5 with a number of dormers. Dormer out the front.
6 Dormers on the sides. I'll show that in the model
7 momentarily. And we've got one additional bedroom
8 and playroom for their children up there. Our FAR
9 complies and we factored in the overage of 1/3.
10 So this is in some ways a non-factor for the
11 variance request.

12 On the second-floor, the objective
13 was very clear to add an additional bedroom so
14 that the existing bedroom could function as an
15 office or a spare room. The two daughters could
16 have bedrooms, and the Kopecs would be in this
17 rear master bedroom. This is slightly related to
18 the variance. As you'll note on the cover page,
19 we actually are overhanging the driveway space
20 because we can take advantage of some natural
21 height of the first-floor being up a couple of
22 steps. And it allowed us to get a relatively
23 modest master bathroom at 8-feet dimension, and a
24 decent-sized master at the 16-foot dimension. So
25 this overage is, approximately, 3-feet. I will

1 note that the master bedroom itself would comply
2 at the 10-foot setback, so it would not be a
3 setback issue. It does contribute 43 square feet,
4 so it marginally contributes to the building
5 coverage request.

6 And then what I would say is the
7 core of the reason for being here tonight and will
8 probably be the core of the discussion -- and I'll
9 zoom in a bit -- was as stated by Mr. Kopec, they
10 have an existing detached garage. It's about
11 26-feet away from the house. It's not in good
12 repair. It does not have electric. It's not
13 particularly functional even though it sits on the
14 lot. So the objective, the dream, was can we
15 create a functional garage closer to or attached
16 to the house. We reviewed the 15-foot more height
17 of accessory structure setback in our design
18 meetings. We tried the garage in various
19 locations and then we arrived at this, quite
20 literally taking the garage on the lot, moving it
21 forward that 24-feet or so, and attaching it to
22 the dwelling. I'll switch back to the survey so
23 what I'm saying makes sense. It's almost a
24 parallelogram I guess -- or maybe not really. But
25 the front lot line is parallel to the house and

1 the street and the right of way. The side lot
2 lines, you can see in this graphic have a slight
3 taper to them. And so what is 3.9 at this point
4 in the rear yard, as I slide it forward to
5 continue my proper driveway and access, I am
6 becoming closer to the lot line.

7 So our objective was to not move the
8 garage closer to the lot line clearly, it was a
9 byproduct of pulling the garage closer,
10 maintaining proper access in and out, keeping the
11 garage door in a reasonable location. We were
12 very much balancing that value with the function
13 of this attached garage so that they could
14 actually pull a car in. So we have a 10 1/2-feet
15 clear at the connection of the existing house,
16 12-feet clear at the back, and 20-foot total
17 clear.

18 In terms of any concerns about
19 access to the yard on the right side of the house,
20 we included a normal door on the rear, a
21 3-foot-wide door. This is all grade level
22 straight through so that access or service could
23 be that way. And then there's still accessibility
24 on the left side. And then another, I should
25 state this attached garage, based on this nature

1 of this interlocking with the house, is 261 square
2 feet. The existing garage was 230 square feet.
3 So there was a small increase, but we justified
4 that with trying to get the proper space, again,
5 so the car could make its way in and out
6 effectively. And then we have a 9 1/2-foot by
7 12 1/2-foot -- it's kind of a combination of a lot
8 of things. It's the access from the garage with
9 the proper landing up the five steps with another
10 proper landing so you could get into the kitchen.
11 Pretty typical flow for an attached garage. A
12 closet that can function as a pantry area to serve
13 the kitchen. These hatched areas are benches or
14 built-ins for the kids' things, and then a series
15 of closets. Since there's only one closet up
16 front and it's pretty limited, we felt this was an
17 opportunity to rectify that first-floor storage.
18 And then if you look at the width of this area,
19 you'll see we put a 4-foot opening here and we
20 kept about 4-feet clear and we put a glass door --
21 which I'll show in the 3D images -- to try to
22 retain light coming into the back of the house.

23 So that's the overall -- I'm going
24 to summarize and throw the 3D on the screen again,
25 and then I'm happy to field questions. I

1 apologize for my voice. So some of the positive
2 things that happened as part of this -- and I want
3 to point out before I move to the 3D views of the
4 design -- by moving the garage forward that
5 24-feet, we have increased the continuous open
6 space in the rear yard. So we've improved the
7 rear yard which benefits the rear neighbors,
8 benefits this right neighbor. And we're hoping to
9 demonstrate that as this is a condition that
10 exists on the lot today, and as we matched the
11 dimension and the height generally of the existing
12 garage, and as we just pulled it forward towards
13 the street, the impact on the neighbor who is here
14 tonight is negligible. So that leaves us with our
15 coverage caused by the mudroom and the garage
16 expansion, which we hoped and aimed to offset by
17 reducing the driveway length. As you can see on
18 the proposal, our impervious is about 13% under.
19 Of course, admittedly, they will likely put a
20 small patio, but we're not intending to max out
21 the impervious. We comply on the FAR. So it's
22 really a question of this bulk in the back.

23 I'll just show the picture in the 3D
24 and then I'll answer questions. I believe
25 Ms. Knight, we submitted these -- according to my

1 office -- submitted these on September 30. We
2 submitted these -- what I'm not sure is if they're
3 in the possession of the board or this is an
4 exhibit.

5 CHAIRMAN FUSARO: We have
6 photographs. I'm looking for that particular one.
7 Just bear with me here. We have them.
8 Approximately, 10 or 15.

9 MR. RALPH: Great. This is
10 Number 15. Sorry for the overboard, I thought it
11 would be descriptive. So one thing that's
12 interesting to note, I pointed out that this house
13 wall is not parallel with the lot line. The lot
14 line tapers towards it. So in reality, this fence
15 could have been installed on an angle coming
16 towards the viewer, but this fence was installed
17 parallel to our house and our driveway. This is
18 the neighbor's fence. It's a relatively new
19 fence. But I thought that it was helpful to show
20 this photo to show that because of the
21 installation location of that fence currently --
22 which is a new fence as part of this renovated or
23 new home next door -- there's actually additional
24 open space, green space that exists even when I
25 pull that garage up. And then this I gather I'll

1 need to -- I can submit these as a pdf, so is this
2 Exhibit A-1? 3D --

3 MS. RAZIN: Yes. Exhibit A-1. What
4 would you like to call it?

5 MR. RALPH: 3D Images. I'll make up
6 a pdf sheet with the images I show. I'm just
7 going to rotate around the house to show that.

8 MS. RAZIN: Do you want today's
9 date?

10 MR. RALPH: That would be perfect.
11 Thank you.

12 (Whereupon, Applicant's Exhibit A-1,
13 3D Images Dated 01/31/2022) was marked for
14 identification.)

15 MR. RALPH: What I hope to show with
16 this is, you know, one of the things I know you
17 look at especially on a C-2, and I can only speak
18 so much to this as an architect and not a planner,
19 is how it affects the neighborhood and how it
20 affects the streetscape. And right now, as you
21 pass by the house, you see a garage in the
22 distance. And what I'm hoping to demonstrate is
23 that in the future, as you pass by in the
24 distance, you'll also see a garage. So we sought
25 to keep the roofline lower so that we could

1 minimize the mass at the side yard. Again, this
2 is very similar to the shape and size as the
3 existing one. And then, coming around at the
4 back, the mudroom, itself, which you can see this
5 offset of height. Which is why we need a little
6 more space in here for the stairs. This mudroom
7 has a nice roofline to match the existing and
8 would be generally imperceptible to any neighbor.
9 So I understand what we're asking for, the
10 coverage variance, but I know that the test
11 against those is the bulk and how that relates to
12 FAR and impervious. And since we comply on both
13 of those, and since this is in the rear, I think
14 that the coverage, itself, can be seen as
15 approvable. And after that longwinded spiel, I'm
16 happy and open to questions or comments.

17 CHAIRMAN FUSARO: Thank you,
18 Mr. Ralph. I understand your reasoning with
19 respect to that side yard tricking down to
20 2.-some-odd feet. However, since the right side
21 property line is skewed it's not perpendicular to
22 the street or the rear, I see where that's coming
23 into play. Yes, the neighbor's fence does help
24 your cause. Whether that gets removed at some
25 point in the future or not, we don't really know.

1 I believe that the layout that you've presented is
2 reasonable. I certainly understand the mudroom
3 issue. I am still a little concerned with that
4 side-yard setback. Looking at the photographs
5 that you've submitted, I see that perhaps you can
6 speak a little about the opposite side of the home
7 where the fireplace bump out is. I'm looking at a
8 photograph which I was shot from the rear of the
9 house and it appears that -- is this the
10 neighbor's garage that I'm looking at on the
11 opposite side?

12 MR. RALPH: I have too many screens
13 going. Can you show me that again?

14 CHAIRMAN FUSARO: No problem. It's
15 this photograph.

16 MR. RALPH: Yes. Yeah, let me get
17 that.

18 CHAIRMAN FUSARO: You were basically
19 -- you submitted several photos --

20 MR. RALPH: This is the other way of
21 looking at it; right?

22 CHAIRMAN FUSARO: Right. Correct.

23 MR. RALPH: This is that plane that
24 you were just showing, except as --

25 (Crosstalk.)

1 CHAIRMAN FUSARO: The opposite.
2 That's correct.

3 MR. RALPH: That's correct. That is
4 their detached garage.

5 CHAIRMAN FUSARO: So that's the
6 neighbor's detached garage and that is on your
7 property line?

8 MR. RALPH: I think it's on the
9 survey. It's 4-feet at that corner. They didn't
10 dimension this corner. It's probably a very
11 similar condition to scale as ours currently.

12 MS. HROBLAK: It's off the property
13 line, Frank.

14 CHAIRMAN FUSARO: Yes, it's off the
15 property line. I see that.

16 MS. HROBLAK: Their curb comes away
17 from their property line.

18 CHAIRMAN FUSARO: Correct.

19 MS. HROBLAK: So he's got room. It
20 just kind of looks like they're right on top of
21 them.

22 CHAIRMAN FUSARO: Correct.

23 MS. KNIGHT: Yeah. Using a scale on
24 that, it's around 4-feet.

25 MS. HROBLAK: It's shown in the

1 survey, dimensions, 4 1/2-feet at the back.

2 MS. KNIGHT: Yeah. But the bottom
3 part is closer to the property line at 4-feet.

4 CHAIRMAN FUSARO: That garage is
5 skewed, just like the other garage.

6 MR. RALPH: It's very similar. It's
7 the whole neighborhood if you look around --

8 MS. HROBLAK: Tights lots, yeah.

9 MR. RALPH: -- and in the staff
10 report Ms. Knight provided, there's a nice tax map
11 view that you can see that that's a part of that
12 pattern of development there, they're all close to
13 the lot lines, these garages are close to the lot
14 lines.

15 MR. MASCIALE: Looking at the tax
16 map, there are a lot of garages close to the
17 property lines.

18 MR. RALPH: When they approached me
19 about the project, it didn't feel unreasonable as
20 a starting point because we always want to
21 approach it that way. As a design professional,
22 is this a non-start or is this reasonable in this
23 specific neighborhood.

24 CHAIRMAN FUSARO: Thank you for
25 clarifying that. Are there any board members that

1 have any questions for Mr. Ralph or for the
2 applicant at this time?

3 MR. MOLNAR: Yeah. It's Carol. Are
4 you doubling the living space?

5 MR. RALPH: Are we doubling the
6 living space?

7 MS. MOLNAR: It looks like a big
8 addition. It looks like you're doubling the size
9 of the house. Does it work out in that manner or
10 anything like that?

11 MR. RALPH: We were at 1,674 in FAR,
12 so the habitable area, and we would go to 2,500
13 square feet in the FAR.

14 MS. MOLNAR: You're adding 1,000.

15 MR. RALPH: Shy of 1,000, correct.

16 MR. MOLNAR: Thank you.

17 CHAIRMAN FUSARO: Anyone else from
18 the board have any comments at this time for
19 Mr. Ralph before I open it up to the public? I
20 see none. Is there anyone in the audience who
21 would like to address the application and ask any
22 questions of Mr. Ralph or the applicant? Please
23 raise your hand and Lyndsay will allow you to join
24 the meeting.

25 MS. KNIGHT: Ryan Fahy.

1 CHAIRMAN FUSARO: Mr. Fahy, can you
2 hear us?

3 MR. FAHY: I can. Can you hear me?

4 CHAIRMAN FUSARO: Yes, we can.
5 Thank you, Mr. Fahy. Please state your name and
6 address for the record.

7 MR. FAHY: Ryan Fahy. And I live at
8 118 Hazel Avenue. Myself and the Kopecs share a
9 rear property line.

10 RYAN FAHY, having been duly sworn,
11 was examined and testified as follows:

12 CHAIRMAN FUSARO: Thank you,
13 Mr. Fahy. I apologize for mispronouncing your
14 name earlier.

15 MR. FAHY: No problem. It happens
16 all the time. No problem.

17 CHAIRMAN FUSARO: Please continue.

18 MR. FAHY: I appreciate everyone's
19 time. I know it's getting late so I'll just cut
20 right to the point here. My main concern -- I
21 don't have any issue with any of the variances
22 they're seeking -- my main issue really is as it
23 relates to drainage. We bought this house in
24 2017, and shortly thereafter, every time it rains,
25 we noticed the backyard floods. So in 2018, we

1 spent a significant amount of money to essentially
2 install five catch basins in our backyard to drain
3 off all the water. I took a bunch of pictures
4 back at that time. If anybody is interested in
5 seeing them, I can share them. Since we've
6 installed those catch basins, it did help, but it
7 hasn't eliminated the problem entirely. The way
8 that the properties are pitched to the grade from
9 South Scotch Plains to Hazel, we obviously get a
10 good amount of water that runs off the Kopec's
11 property. I don't know what kind of drainage
12 mitigation they have over there right now, but
13 when we installed our five catch basins in the
14 backyard and including our downspouts, we had
15 everything piped and run out to Hazel Avenue. As
16 part of that, the Kopecs agreed for a small fee
17 they'd put in, I think, three catch basins and
18 maybe one downspout off the garage, buried them,
19 and now, all of that water drains through our
20 system out to Hazel Avenue. At the time, that was
21 really the only option that we had to make our
22 backyard usable. Lyndsay, is it possible to share
23 my screen? Do I have the ability?

24 CHAIRMAN FUSARO: Lyndsay, can you
25 make that happen?

1 MS. KNIGHT: Katie, are they allowed
2 to as a --

3 MS. RAZIN: Yeah. I mean, if the
4 board -- yes, you can. Sure. As long as your
5 testimony is relevant to what we're discussing,
6 and you've been sworn, so.

7 MR. FAHY: It actually is relevant
8 as it relates to drainage.

9 CHAIRMAN FUSARO: Mr. Fahy, you're
10 located -- just to clarify for the board -- you're
11 located directly behind the applicant, and you're
12 facing Hazel Avenue; is that correct.

13 MR. FAHY: That's correct.

14 CHAIRMAN FUSARO: Thank you.

15 MS. RAZIN: I would like to -- if
16 you're going to show something, Mr. Fahy, I'd like
17 to just mark it.

18 MR. FAHY: I sent Lyndsay an email a
19 while back and she said all information had to be
20 presented in front of the board, to offer some
21 perspective.

22 MS. RAZIN: Yeah. We'll just mark
23 it F-1 or whatever once you get it up and then we
24 can identify it.

25 CHAIRMAN FUSARO: Go ahead and share

1 your screen, Mr. Fahy.

2 MR. MASCIALE: I think he's muted.

3 CHAIRMAN FUSARO: That's a lot of
4 water.

5 MR. FAHY: I'm back.

6 MS. RAZIN: Tell me, is this one
7 photo, or are we going to see a series of photos?

8 MR. FAHY: I think they're four.

9 MS. RAZIN: There are four photos.
10 And when did you take them?

11 MR. FAHY: I believe these were
12 taken in --

13 MS. RAZIN: Give me just an
14 estimate. That's fine.

15 MR. FAHY: 2018. Late spring, 2018,
16 I believe.

17 MS. RAZIN: Okay. So four photos.
18 And they were taken by you?

19 MR. FAHY: Correct.

20 MS. RAZIN: I'm going to mark these
21 -- I'm going to use your last name as the initial,
22 okay -- so I'm going to mark them F-1, if that
23 works.

24 MR. FAHY: That's fine.

25 MS. RAZIN: F-1, and I'm going to

1 put four photos. Just give me a description. Is
2 this your...?

3 MR. FAHY: Sure. This is our
4 backyard. You're looking at the rear of the
5 Kopec's property.

6 MS. RAZIN: Okay. Thank you. I'm
7 good.

8 (Whereupon, Exhibit F-1, FOUR
9 PHOTOGRAPHS - MR. FAHY'S BACKYARD) was marked for
10 identification.)

11 MR. FAHY: SO this the during a
12 rain. There was a decent amount of rain. It had
13 to be a measurable amount of rain to collect like
14 this. So this is essentially the result of what
15 would happen when it would rains. Our property
16 floods because of the way that it is graded. You
17 can see, just over the property line, you can
18 water that pools back there. So this water, a
19 majority of it is not from our property, it's from
20 the surrounding properties.

21 MR. MASCIALE: Is your property
22 higher than their property?

23 CHAIRMAN FUSARO: It looks like
24 you're higher than the property in question.

25 MR. FAHY: No. No. We're

1 absolutely not. We're the lowest properly around
2 aside from the property that's on our left there.
3 Which they have that cinderblock wall, so I'm
4 assuming they put those cinderblocks there to stop
5 some of this water a while back. But we're lower.
6 And in some of the coming pictures here I can show
7 you that --

8 CHAIRMAN FUSARO: Perhaps some of
9 the other photos might.

10 MR. FAHY: Yeah. This is the second
11 photo. You're still looking at our backyard, the
12 Kopec's are over to the right. And you're looking
13 towards First Street. This is where water pools
14 and it will eventually run -- you can see it, it
15 runs -- this our driveway, and directly behind
16 this is Hazel Avenue. This is a better
17 perspective of the grade. But you can see that it
18 runs all the way down along the property line up
19 to our driveway and then out to the street.

20 MS. HROBLAK: Mr. Fahy.

21 MR. FAHY: Yes.

22 MS. HROBLAK: You took the first two
23 photos from within the house; is that correct?

24 MR. FAHY: Yes.

25 MS. HROBLAK: And this one is from

1 within your car, so you're closer to the grade?

2 MR. FAHY: Yes.

3 MS. HROBLAK: Ground level?

4 MR. FAHY: Yes.

5 MS. HROBLAK: Okay. Thanks.

6 MR. SONTZ: Mr. Fahy, what is this?

7 Is that a little hill between your house and the
8 Kopec's house? It looks like a little berm. What
9 is that?

10 MS. HROBLAK: It looks like someone
11 built a berm.

12 MR. FAHY: It's not really a berm.
13 It's basically -- there's a bunch of mulch and
14 stuff in there. It's raised a little bit, but
15 it's nowhere near that extent anymore. It looks
16 like it, but --

17 MR. SONTZ: Is that just a pile of
18 mulch and the ground is kind of straight or is
19 that actually, like, dirt goes up that does a
20 little hill?

21 MR. FAHY: I mean there might be a
22 little bit of dirt there, but the majority of it
23 is mulch.

24 CHAIRMAN FUSARO: Because the photos
25 still appear, just again, just from our

1 perspective by looking at the photographs, it
2 still appears that you're either at the same
3 height or that berm is acting as some sort of
4 barrier. But, please, I think you said you might
5 have had one more additional photo. Yes or no?

6 MR. FAHY: One -- let me see. I
7 have one right here. So this one -- see, I don't
8 know if this helps at all either. This might give
9 a little better perspective. It's basically just
10 standing just off the driveway. This is after we
11 had the work done. So this is all the drains we
12 had put in here. There're a little bit hard to
13 see. You can see one right here, this is the
14 closest one to Hazel Avenue. There's one -- can
15 you guys see my cursor?

16 BOARD MEMBERS: Yes.

17 MR. FAHY: There's one probably in
18 this area within, there's one right around this
19 area, one over here, and one in this area.

20 MR. SONTZ: Mr. Fahy, did you say
21 the Kopecs had a drain put in at the same time you
22 did? Like, they used the same company?

23 MR. FAHY: We approached -- when we
24 were doing this because we knew that's where the
25 water, the majority, was coming from, so we

1 approached them and we were like, "Listen, you
2 know, we can't use our backyard. Every time it
3 rains, it floods." And then we have standing
4 water until however long it takes for it to dry
5 out. So we did approach them and say, "Hey, we're
6 having this done, you know, is there anything else
7 that we can do to help offset some of this
8 problem?" So what they did is -- and I can't
9 remember exactly how many they put, at least two
10 catch basins just over this a little berm on
11 either side of this tree, put two catch basins
12 there, they piped this downspout. And I believe
13 they put a catch basin over here at the end of
14 their driveway. I don't know if there's a
15 downspout on that side of the garage or not, but
16 all of that is now piped through our yard to Hazel
17 Avenue. And that made a significant difference,
18 but it didn't stop the problem. We still do get
19 standing water, especially if it rains hard. I
20 know October was a little bit different. I mean
21 you get that amount of rain to places that you'll
22 never see flood, probably flood. But in October,
23 our yard looked like this again during that storm.
24 You know, how often do you have one of those
25 storms? I don't really know.

1 Basically, what I'm getting at here
2 is that they're going to move the garage, so
3 they're going to move a couple of those catch
4 basins. Listen, I'm not an architect, I did take
5 a look at the plans, but I didn't see any
6 consideration given to drainage. Then that's our
7 concern. Our yard floods and our basement floods.
8 We've done everything that we could on our
9 property to mitigate it. It's not our water. So
10 that's what our concern is, I don't want to
11 belabor the point, but that's kind of my two-sense
12 and perspective on the deal.

13 MR. RALPH: May we reply to that
14 because that's obviously a serious, real concern.
15 I would say that I've been messaging with
16 Mr. Kopec, and they are open to -- if this was
17 seen favorably -- we're open to some mitigation
18 techniques. We have an opportunity with that
19 master addition and the dormers to work with our
20 gutters and our downspouts and the direction that
21 they go. With the move of the garage out front,
22 we have the opportunity to manage our own water
23 off the garage. Now that it's not detached we can
24 bring it forward towards the street, manage it
25 intentionally with the driveway. I can speak only

1 so much to exactly what we can do, but I want to
2 let you, as their neighbor, Mr. Fahy, and also let
3 the board know that the applicant is open to
4 taking this opportunity to mitigate.

5 CHAIRMAN FUSARO: Great. Thank you.

6 MR. SONTZ: Does anyone have an
7 elevation of either property?

8 MR. FAHY: I can tell you, if I may,
9 I can tell you I measured my slope because I was
10 doing something else in the backyard, but I ended
11 up measuring my slope, and from what I can tell,
12 there at least probably a 6-inch to a foot
13 difference. Looking at this picture from the top
14 right to the bottom left, there's probably
15 6-inches to a foot difference in your yard. I
16 know that's probably not the answer that you're
17 looking for. But in my yard, I don't have a
18 topographic map or anything, but that's what I can
19 tell you in our yard where it slopes. Their house
20 sits higher than ours. It absolutely does.

21 MS. HROBLAK: Mr. Fahy, do you have
22 a basement?

23 MR. FAHY: Yes, ma'am. Yes, I do.

24 MS. HROBLAK: Do you get water in
25 your basement.

1 MR. FAHY: We do from time to time,
2 yes, unfortunately.

3 MS. HROBLAK: When these events
4 occur?

5 MR. FAHY: Right. And when the yard
6 floods like that, we get water. It seeps into the
7 walls.

8 MS. HROBLAK: Is it worse or better
9 now that you've put in the catch basins?

10 MR. FAHY: It's much better.

11 MS. HROBLAK: Okay. Good.

12 CHAIRMAN FUSARO: Mr. Fahy, the five
13 catch basins that you've put in -- I'm going to
14 call them lawn drains -- as well as the additional
15 three or four that the applicant has installed,
16 that water is collected and piped out to Hazel; is
17 that correct?

18 MR. FAHY: Yes. Our hope is that
19 the catch basins were never meant to be permanent.
20 You know, I don't know what the long-term solution
21 is. Maybe we're stuck with them and that's the
22 only thing that we can do. Because we do have
23 small kids and they run around in the backyard and
24 then they run in -- all the catch basins are
25 pitched, you know. Listen, in an ideal world,

1 we'll abandon them eventually if the water can be
2 mitigated. I don't know if that's ever going to
3 be an option, they were never intended to be a
4 permanent solution to this problem. But you know,
5 we can't necessarily control what everybody else
6 is doing on their property.

7 CHAIRMAN FUSARO: Realistically, I
8 don't see them -- especially with this amount of
9 water that's shown in this photograph -- I don't
10 see them disappearing any time soon. My other
11 question was going to be -- and Allyson, maybe you
12 could chime in here a little -- I'm thinking of
13 what other measures can possibly be installed. It
14 would appear that a dry well would probably do
15 nothing here. Am I correct in stating that
16 Allyson? If we requested them, the applicant, to
17 put in several dry wells in their backyard.

18 MS. HROBLAK: Well, that all depends
19 on where the seasonal high groundwater is, whether
20 the water will perk. You can put anything on a
21 plan, it doesn't mean it will work. My immediate
22 thoughts were something along the lines of what
23 Mr. Ralph suggested was catching as much of the
24 stuff that's from catch basins that were put on
25 the Kopec's property. And if the basins in Scotch

1 Plains allow piping it out there, if you can't
2 make that, you could put in maybe a pit that pumps
3 and have it put to something underneath the
4 driveway that then pumps it out. You know a lot
5 of this has to do with getting the data for the
6 design. But it's a good sign that the drainage
7 system that's in here is helping. So that's at
8 least some good news.

9 MS. KNIGHT: Can I just ask? So
10 these pictures are from 2018. Were the catch
11 basins put in after this?

12 MR. FAHY: Yes.

13 MS. KNIGHT: Okay. So you have
14 images from after?

15 MR. FAHY: I didn't take any --
16 (Crosstalk.)

17 MS. KNIGHT: So these are all from
18 2018 or this is after the catch basins?

19 MR. FAHY: This is right after.
20 This is still 2018, but it's right after.

21 MS. KNIGHT: And there're no more
22 recent pictures?

23 MR. FAHY: No. I would have taken
24 pictures in October, but it was dark. The catch
25 basins have helped. The other part of this is

1 that -- listen, it's all good when two property
2 owners work together to mitigate something, and
3 it's fine until the house gets sold and they don't
4 get along anymore. So now, like our -- and I'll
5 say this as nice as possible -- I don't
6 necessarily feel comfortable relying on someone
7 else to make sure that they take care of their
8 drainage so we do have a problem. You know? And
9 maybe that's the hand that we're dealt and that's
10 what we have to deal with, and it is what it is if
11 that's the case. But that's kind of the position
12 that we're in now is that we've done what we could
13 in our yard and the Kopecs have helped, but will
14 that continue in the future, I don't really know.
15 But the integrity of our property and basement, in
16 particular, is reliant in some part of what goes
17 on on that property. But that's the only option
18 we had at the time really.

19 CHAIRMAN FUSARO: I would think --
20 and to speak a little to Mr. Ralph's comments --
21 by moving this garage forward you're now going to
22 have an area of grass where the garage currently
23 is which I would assume would absorb some
24 additional water, be it minimal because you're
25 basically moving the garage forward. However, you

1 are -- correct me if I'm wrong Mr. Ralph -- you
2 are decreasing the driveway area because you're
3 moving the garage forward --

4 MR. RALPH: Correct.

5 CHAIRMAN FUSARO: -- but that
6 proposed mudroom and patio area that's shown -- I
7 know you said the patio was possibly something
8 that might be put in in the future -- that is
9 increasing the impervious coverage that's
10 currently on the lot; is that correct?

11 MR. RALPH: To clarify, the plot
12 plan that we have on the cover page is an overlay
13 of our work on the existing survey so that you
14 could see both conditions. We would be building
15 the mudroom over what is now impervious patio, and
16 removing the balance of it or reconfiguring some
17 of it. But it's a net offset and then a reduction
18 because the garage pulls in.

19 CHAIRMAN FUSARO: So you're reducing
20 the impervious area by the size of the existing
21 garage, approximately?

22 MR. RALPH: That is the best way to
23 say it, correct.

24 CHAIRMAN FUSARO: So that's going to
25 help --

1 MS. HROBLAK: How many square feet
2 is that?

3 MR. RALPH: The existing garage we
4 had at 230 square feet, and then there's about
5 4-feet of driveway between where the new garage
6 is, so another --

7 MS. HROBLAK: All I want is the net
8 reduction.

9 CHAIRMAN FUSARO: About 240 square
10 feet is what I believe you said, right, Mr. Ralph,
11 the net?

12 MR. RALPH: I'm looking the cover
13 page. Call it 200. So that's going to help --

14 MS. HROBLAK: That helps. That
15 helps things.

16 CHAIRMAN FUSARO: It's going to help
17 a little bit Mr. Fahy. I don't think it's going
18 to solve your problem, but every little bit helps.
19 Other than putting some dry wells in here,
20 normally, when we have drainage issues that are
21 kind of glaring, we would ask the engineering
22 department to look into it. And the general rule
23 of thumb, the engineering department does not
24 address drainage on residential properties,
25 usually just on commercial projects that are

1 brought before the board unless we specifically
2 ask them to. Which in this case, I believe we
3 can. Am I correct, Lyndsay, in saying that or no?
4 And can we ask the engineering department to go
5 out and take a look at this and see if they would
6 have any suggestions to help mitigate the drainage
7 on the property or not?

8 MS. KNIGHT: Yeah, absolutely. We
9 can ask Dave.

10 MS. HROBLAK: Just to clarify, I
11 actually spoke to Dave a couple of days ago about
12 something else and he said he was reviewing
13 certain things for drainage now. So he's
14 perfectly happy -- he seems happy to do it.

15 CHAIRMAN FUSARO: Great. Okay,
16 good.

17 MS. KNIGHT: He's more than willing.

18 CHAIRMAN FUSARO: Excellent. So
19 that's certainly something we can do. We'll ask
20 the township engineer to review the drainage and
21 see if he can come up with some additional
22 suggestions other than, like I said, a dry well,
23 and possibly adding some additional basins.
24 Certainly, as Allyson had mentioned, if it works
25 grade-wise and some additional catch basins can be

1 added -- I'm going to call them "lawn drains" --
2 added in the applicant's backyard and piped out to
3 Scotch Plain Avenue, that would be spectacular.
4 However, I have a feeling that from what
5 everyone's telling me that the grade would
6 preclude that from happening and that's why it's
7 currently being piped to Hazel and not to Scotch
8 Plains.

9 MS. HROBLAK: Maybe. Maybe not.
10 Depends how deep the catch basins are and Scotch
11 Plains.

12 MR. SONTZ: But also because we
13 don't know any of the elevations, there's a lot of
14 information we don't know. The water could be
15 coming from the two side neighbors too.

16 MS. HROBLAK: That's why Dave should
17 look at this.

18 CHAIRMAN FUSARO: Yeah. That was
19 another comment I was going to make. That's
20 probably why Mr. Fahy showed in his photographs as
21 well that someone built a block, one course of
22 block on the side property line, and that was
23 probably to block some additional water -- when I
24 say "block" I mean "see them used" to block some
25 additional water from entering Mr. Fahy's property

1 from the side as well. So it looks like that this
2 entire area has some issues. Perhaps I would
3 suggest that Mr. Ralph and the applicant provide
4 us with some grading, some elevations, etcetera,
5 and, you know, I think that would help us review
6 the application a little closer. And we certainly
7 don't want to create any additional water issues
8 by approving the application. Chris, what are
9 your thoughts? Should we --

10 MR. MASCIALE: I'd like to see what
11 would be done with the addition with bringing the
12 water that they can forward and with a plan that
13 would show that it would go forward with what they
14 can capture. So let's say that the new garage has
15 moved forward, are they going to be able to run
16 that water to their front yard down to the street
17 or are they still going to go backwards into the
18 neighbor?

19 CHAIRMAN FUSARO: I would think that
20 the driveway -- perhaps Mr. Ralph or the applicant
21 can let us know -- the current driveway, I'm
22 assuming that the current driveway is pitched
23 towards the street; is that correct? Otherwise,
24 all the driveway water would be going into your
25 garage.

1 MR. RALPH: Stan, do you want to
2 comment on that? In the pictures it's
3 indiscernible. It's close.

4 MR. KOPEC: It's close. But we also
5 have a drain that drains, you know, right on by
6 the garage door as well that we put in.

7 CHAIRMAN FUSARO: So you have a
8 trench drain in the front of your garage door so
9 that water from your driveway doesn't enter your
10 garage.

11 MR. KOPEC: Right.

12 CHAIRMAN FUSARO: That would lead me
13 to believe that the driveway is pitched towards
14 Mr. Fahy's property and not towards Scotch Plains.

15 MS. HROBLAK: Maybe not the whole
16 driveway, but at least part of it.

17 MR. RALPH: It appears that the
18 corner of the house where the addition was is a
19 crest, a very subtle crest, and it does look in
20 the photos like from that corner between the
21 kitchen addition and the main house, very gently
22 tapers back towards the street. Which is why if
23 we can show it to you, the objective would be to
24 capture the water, put it in the driveway that's
25 naturally rolling into Scotch Plain which would be

1 a pretty large improvement from everything
2 spilling in the backyard currently.

3 MR. MASCIALE: I think for 23% which
4 is being asked is a big ask. We usually don't
5 approve above 22%. I think we need to see that
6 plan quantified. There're no guarantees for
7 drainage, but I think before I was voting on
8 something of this size, I'd like to know where the
9 water is running. That's my take.

10 CHAIRMAN FUSARO: I agree, Chris.
11 Perhaps at this point, we can ask the applicant
12 and Mr. Ralph to go back to their engineer who
13 prepared the survey give us some grading shots and
14 tell us, especially along the driveway, which way
15 is pitched, which way the water is running. I add
16 to piggyback on what Chris said, if we can look at
17 the grades and see even if a portion of the
18 driveway is pitched towards Scotch Plain Avenue,
19 we can put a leader at that location in the gutter
20 and run that amount of water to the street. I
21 mean you would eliminate half the water coming off
22 this property from going into Mr. Fahy's yard,
23 which I wouldn't say would solve the problem but I
24 think it would be a great improvement. Then also,
25 Mr. Ralph, if you could go back and take a look at

1 the plan again and see if there's any square
2 footage that you can reduce per Mr. Masciale's
3 comment, that would be appreciated as well. And
4 if you could get that back to us, we'll take a
5 look at it and try to get this approved for you.

6 MR. RALPH: May I ask, just for the
7 sake of expediency, we could engage the engineer
8 for spot elevations along the critical areas
9 versus a full topo. I just want to be clear if
10 that would be acceptable if it painted the picture
11 or if the request is a full topo at this time.
12 Because, of course, if we were approved, it might
13 make sense to do then do the full topo and work
14 with engineering to make it happen. But for the
15 sake of demonstration, I'm curious if spot
16 elevations might do it.

17 CHAIRMAN FUSARO: I think if
18 there're enough spot elevations. I mean,
19 basically, a topography is connecting the dots
20 between the spot elevations.

21 MR. RALPH: Yeah. I'd be looking at
22 the right half of the lot. Basically, I would
23 have him traverse the driveway from the street all
24 the way to the backyard --

25 MR. MASCIALE: If your spot

1 elevations cover the additions you're doing. You
2 know, I want to make sure it covers the additions
3 that you're doing before voting on it.

4 MR. RALPH: We can furnish him with
5 the plans so he knows where all the corners are
6 and he can shoot all of them as a spot.

7 CHAIRMAN FUSARO: And also some
8 along the rear of the property, obviously.

9 MR. RALPH: It's just a quicker --
10 you know, that might be able to be next month
11 versus two months if we can, which is why -- but I
12 don't want to short the board any information.

13 CHAIRMAN FUSARO: That's fine. And
14 while we're asking, if Mr. Fahy agrees, perhaps we
15 can get a couple of spot elevations 4/5-feet onto
16 his property as well. He would have to allow your
17 surveyor to do that.

18 MR. FAHY: And that's probably fine
19 if that's what they need to sort through this. If
20 I can say one last thing. I'm not here to stand
21 in the way of anything. You know, what people
22 want to do on their own property is completely up
23 to them. That's not why I'm here. You know, if
24 we can come to a reasonable conclusion, it's
25 probably not going to be a hundred percent

1 solution. But as long as it's reasonable and in
2 good faith, I don't think we have an issue.

3 CHAIRMAN FUSARO: We appreciate
4 that. Thank you, Mr. Fahy.

5 MS. HROBLAK: Frank, just also some
6 additional information. Spot elevations, also you
7 can pick up the nearest catch basins in Scotch
8 Plains as well as all the catch basins that were
9 recently installed. They need to know the inverts
10 of those.

11 CHAIRMAN FUSARO: Okay. That would
12 be fine. I'm sure those catch basins -- the spot
13 elevations of the five catch basins on Mr. Fahy's
14 property and the three or four on this one
15 shouldn't be a problem whatsoever. That's
16 relatively simple.

17 Chris, I just want to ask do you
18 think we should see if there's anyone else in the
19 public who would like to comment before we kind of
20 wrap this?

21 MR. MASCIALE: Yeah. Let's finish
22 covering it. Frank, I think that's a good idea.

23 MS. KNIGHT: Chris Powers.

24 CHAIRMAN FUSARO: Mr. Powers, thank
25 you. Can you please state your name and address

1 for the record?

2 MR. POWERS: Yes. My name is
3 Chris Powers, and my address is 640 First Street.

4 CHAIRMAN FUSARO: Are you to the
5 right or the left of the subject property?

6 MR. POWERS: I am to the right. So
7 I'm the white fence that you saw. That's my
8 property.

9 CHRIS POWERS, having been duly
10 sworn, was examined and testified as follows:

11 CHAIRMAN FUSARO: Please continue.

12 MR. POWERS: Perfect. I really
13 appreciate you guys taking the time to hear me
14 tonight. Myself, my wife, and three children, we
15 are just so happy to have the Kopecs as your
16 neighbors. They are a great piece of the
17 community. They are involved in everything from
18 McKinley PTO to Girl Scouts, as they had
19 mentioned. And we see this addition as a positive
20 for the Kopecs, making them more comfortable. We
21 see it as a positive for the neighborhood, keeping
22 them around so that they don't move or go
23 anywhere. And for us, we do not see this as an
24 inconvenience or any issue with our property
25 whatsoever. Today, the garage is pretty much in

1 the same exact spot that it will be hopefully in a
2 couple of months. You can also see that the fence
3 is up, so we don't have a true view of the garage,
4 the fence covers most of it. We also don't have
5 any issues with the addition whatsoever. We're
6 looking forward to it, and we're happy to be a
7 part and give our approval in any way that we can.

8 CHAIRMAN FUSARO: Thank you,
9 Mr. Powers. A couple quick questions as far as
10 drainage is a big topic on this application. Does
11 your rear yard flood at this time, and if you have
12 a basement, what are the conditions there during a
13 heavy rainstorm?

14 MR. POWERS: Yeah. So we do not
15 have any drainage issues in the backyard. We do
16 -- if you were looking at our house from the front
17 on the right-hand side of the yard to almost
18 sloping down towards Hazel -- we have a little bit
19 in that corner. As pretty much everybody in
20 October, we had massive flooding in our basement,
21 so we are putting in French drains and a sump
22 pump, which we did not have, which we will now
23 have hopefully in two weeks. Other than that,
24 there's no real pooling in our yard. I would say
25 no major issues at all in the backyard or the

1 front yard. I would just say in that one little
2 area towards the Hazel sides.

3 CHAIRMAN FUSARO: Thank you, very
4 much Mr. Powers. We appreciate your time.

5 MR. POWERS: No problem.

6 CHAIRMAN FUSARO: Anyone else from
7 the audience like to address the application
8 please virtually raise your hand and Lyndsay will
9 allow you to speak.

10 MS. KNIGHT: There is no one else in
11 the audience.

12 CHAIRMAN FUSARO: I see none. We'll
13 close that portion. Okay. Just to kind of recap
14 real quick. Mr. Ralph and Mr. Kopec, you're going
15 to get us some spot elevations, you're going to
16 submit that to us. We will take a look at that.
17 Please include as much information as possible,
18 especially along the driveway. Along the rear of
19 the property, please include the spot elevations
20 of the basins that were put in in 2018. And
21 Mr. Ralph, while you're at it, take a look at the
22 overage that Mr. Masciale questioned with regards
23 to the size. Do you have any questions?

24 MR. RALPH: No questions. And I
25 appreciate all the feedback.

1 CHAIRMAN FUSARO: Thank you, so
2 much. Chris, I guess we can carry this to the
3 next meeting provided that the information comes
4 in on time, which is February 14.

5 MR. MASCIALE: Without need for
6 further notice, correct.

7 MR. RALPH: Okay. Thank you.

8 CHAIRMAN FUSARO: Thank you, and
9 have a great evening. Okay. I guess -- sorry to
10 have this meeting run to 11:45. I guess it's not
11 the greatest start to the year, but we're going to
12 have a busy year. So hopefully we'll be able to
13 move through it a little quicker. Does anybody
14 have any other comments, questions real quick or
15 do we have a motion to adjourn.

16 MS. HROBLAK: I'd like to make a
17 motion to adjourn so Lyndsay can go to bed. She
18 looks tired.

19 MS. KNIGHT: I'm nine months
20 pregnant, so I am tired.

21 MS. HROBLAK: You look really tired,
22 poor thing. You look glowing, but you look tired.

23 CHAIRMAN FUSARO: Thank you very
24 much. Our meeting is adjourned. Thank you,
25 everyone.

1 MR. MASCIALE: Great job, Frank.

2 Great job.

3 CHAIRMAN FUSARO: We'll see you next

4 month. Have a good one. Good night everyone.

5 Thank you.

6 - - -

7 (The meeting was adjourned at

8 11:46 p.m.)

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